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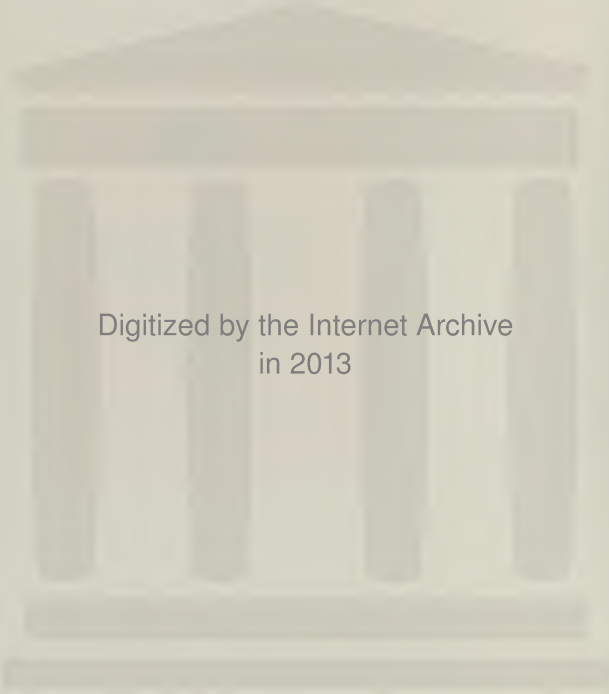
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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 6, 1993
5:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan and Virginia Conway requesting that the Board make tapes of the hearings available to the public. President Eisenberg said that he would donate tapes for this purpose and that the staff should keep tapes for one month after a hearing before reusing them, to accommodate the public.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from the Russian Hill Community Association requesting rehearing of Appeal No. 92-192, 14 - 16 Delgado Place. Hearing December 2, 1992. After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings by President Eisenberg.

ACTION: WITHDRAWN prior to hearing by letter dated December 30, 1992.

ITEM B: Letter from Po Yong Huang, requesting rehearing of Appeal No. 92-215, 888 Brannan Street. Hearing December 16, 1992. After discussion, upon motion by Commissioner Alba, the Board voted 3-1 (Commissioner Owens absent and Commissioner Felzer dissented) to UPHOLD the department and SUSTAIN the penalty.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 1-4 (President Eisenberg, Vice President Bradstreet, Commissioners Alba and Owens dissented) to grant rehearing. Four votes are necessary, the motion fails and the request is DENIED.

SPEAKERS: Po Yong Huang, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 6, 1993 (cont'd.)

ITEM C: Letter from Touraj Tehrany, requesting rehearing of Appeal No. 92-213, 517 Clement Street. Hearing December 16, 1992. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and REVOKE the permit. The appellant did not appear.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: None. The appellant did not appear.

APPEAL NO. 92-207

(3) ALBERT LACOSTE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
October 23, 1992, for work
done at 315 Rutland Avenue.
APPLICATION NO. 91212732.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Albert LaCoste, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; Bob Noelke, Bureau of Building Inspection.

APPEAL NO. 92-218

(4) HECTOR NAVARRO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
October 27, 1992, for work
at 1689 - 93 Folsom Street.
APPLICATION NO. 9211884.
FOR HEARING TODAY.

ACTION: CONTINUED at hearing to January 27, 1993 with agreement of appellant and department.

SPEAKERS: Hector Navarro, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 92-219

(5) KEN MUI & JESSE MUI, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on November
9, 1992, for work done
at 800 Ulloa Street.
APPLICATION NO. 9217779.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$329.55 for a total of \$659.10.

SPEAKERS: Ken Mui and Jesse Mui, appellants; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 92-220

(6) KIMCO HOTEL & RESTAURANT MGMT. CO.,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
ISCOTT DISAPPROVAL

[Denial on October 27, 1992,
[by Department of Public Works,
[of Tables and Chairs Permit
[for sidewalk seating on Mason
[Street frontage along southeast
[facade of "Cafe Pescatore",
[at 425 North Point Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings by President Eisenberg and the **CONDITION** that 48 inches of sidewalk space be maintained between the tree planter box and the sidewalk seating in front of the cafe.

SPEAKERS: Kevin Westlye, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Catherine Hom, for Street Use Management Division of DPW.

APPEAL NO. 92-222

(7) JIAN WEI LIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 9, 1992,
[of permit to Alter a Building
[(awning) at 1634 Bush Street.
[APPLICATION NO. 9217593.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings by President Eisenberg.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Jian Wei Lin, appellant.

APPEAL NO. 92-221

(8) MURAD A. MURADIAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 2, 1992, to William
[E. Best, permit to Alter a
[Building at 335 Quintara Street.
[APPLICATION NO. 9202029.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** agreed to by the parties.

SPEAKERS: Murad Muradian, appellant and William E. Best, permit holder, presented their signed agreement.

APPEAL NO. 92-224

- (9) ALICE SMITH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[August 20, 1992, to Young Chi
[Whang, permit to Erect a Building
[at 1445 Van Dyke Avenue.
[APPLICATION NO. 9108133.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to CONTINUE the matter to January 27, 1993 to allow for site inspections by the Board members. The public hearing was closed.

SPEAKERS: Alice Smith, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Peter LaBrie, Planner for Department of City Planning; Judith Boyajian, Deputy City Attorney; Ora Smith, John Scott, James McClendon, Mildred Thomas, James Turner, in opposition to the project; Lee Whang, permit holder's son; Mike Murray, contractor for permit holder; Joe O'Donoghue, in support of the project; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:42 to 7:57 p.m.

APPEAL NO. V92-216

- (10) JERRY KLEIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Denial on October 29, 1992,
[of Rear and Open Space Variance
[sought for property located
[at 401 - 09 Naples Street.
[VARIANCE CASE NO. 92.446VE.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to OVERRULE the department and GRANT the variance with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Klein, appellant; and Marion Aird, in opposition to the project.

APPEAL NO. 92-223

- (11) ELYSE MARKS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Determination on November 3,
[1992, by the Zoning Adminis-
[trator that a dog day care
[service is not permitted at
[1501 North Point Street in an
[RM-4 zoning district.
[FOR HEARING TODAY.

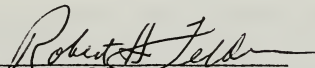
ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department with findings by President Eisenberg.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Elyse Marks, appellant.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 6, 1993 (cont'd.)

(12) Commissioners' Questions and Comments.

There being no further business, President Eisenberg adjourned the meeting at 9:12 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS DOCUMENTS DEPT.

WEDNESDAY, JANUARY 13, 1993

JAN 21 1993

5:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Informational presentation by Jeremy Kotas, AIA, principal in Kotas/Pantaleoni Architects, "What's left of freedom of expression in residential development?"

Cancelled by Mr. Kotas because of illness. This presentation will be rescheduled for a future meeting.

- (2) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from John D. O'Sullivan, attorney for appellant, Mark Zimmerman, requesting rehearing of Appeal No. 92-211, 210 Post Street. Hearing December 16, 1992. After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to GRANT rehearing and scheduled it for February 17, 1993.

SPEAKER: Mark Zimmerman, appellant.

ITEM B: Letter from Andrew Zacks, attorney for appellant requesting rehearing of Appeal No. 92-179, 2237 Mason Street (San Remo Hotel). Hearing December 9, 1992. After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the determination.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 13, 1993 (cont'd.)

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-1 (Commissioner Felzer dissented) to DENY the request for rehearing.

SPEAKERS: Andrew Zacks, attorney for appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

REQUEST FOR JURISDICTION:

ITEM C: Letter from Peter Hong, requesting that the Board take jurisdiction over penalty imposed for Building Permit Application No. 9118104 to legalize basement rooms at 10 Sussex Street.

Date penalty imposed	April 27, 1992
Appeal period ended	May 12, 1992
Request for jurisdiction	January 7, 1993

ACTION: CONTINUED indefinitely for Bureau of Building Inspection to review and adjust the penalty. It is expected that this request will be withdrawn.

SPEAKERS: None.

APPEAL NO. 92-225

(4) JOHN FUETSCH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
November 13, 1992, for work
done at 1205 Noe Street.
APPLICATION NO. 9216952.
FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$85.15 for a total of \$170.30.

SPEAKER: John Fuetsch, appellant.

APPEAL NO. 92-227

(5) WING BON DONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
November 12, 1992, for work
done at 2729 - 33 McAllister St.
APPLICATION NO. 9112738.
FOR HEARING TODAY.

ACTION: CONTINUED prior to hearing to February 24, 1993 at the request of appellant with agreement of department.

APPEAL NO. 92-235

- (6) ROMUALDO O. VALENCIA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Appealing for Refund of
[Penalty imposed on November 30,
[1992, for work done at
[138 Southwood Drive.
[ELEC. PERMIT NO. E109454.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to \$1,000.00.

SPEAKERS: Romualdo Valencia, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Rich Bamberger, Electrical Inspector, Department of Public Works.

APPEAL NO. 92-236

- (7) STEPHENSON-RICHMAN ELECTRICAL,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Appealing for Refund of
[Penalty imposed on November 30,
[1992, for work done at
[896 Rhode Island Street.
[ELEC. PERMIT NO. E109134.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$226.00 for a total of \$452.00.

SPEAKER: William Schock, Senior Building Inspector for Bureau of Building Inspection. Marc Stephenson was present.

APPEAL NO. 92-229

- (8) NICOLAY CLEVER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL
- [Denial on November 5, 1992,
[of permit to Alter a Building
[at 106 - 108 Ord Street.
[APPLICATION NO. 9207873.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Andy Forrest, architect for appellant; and Nicolay Clever, appellant.

APPEAL NO. 92-228

(9) LOUIS A. LEONE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
November 12, 1992, to Julia
Gardner, permit to Alter a
Building at 118 Taraval Street.
APPLICATION NO. 9202481.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department with the following CONDITIONS: (1) work shall be done by a licensed and insured contractor; and (2) working hours shall be limited to Monday - Friday, 8:30 a.m. - 4:00 p.m.

SPEAKERS: Greg Stubbs, attorney for appellant; and Judith Boyajian, Deputy City Attorney. The appellant did not appear.

The Board recessed from 7:08 to 7:22 p.m.

APPEAL NO. 92-245

(10) DORRIT EGLI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
November 20, 1992, to
Stephan Fornino, permit
to Alter a Building at
1857 Broadway Street.
APPLICATION NO. 9218501.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to UPHOLD the department with the CONDITION that the height of the wall be limited to 42 inches.

SPEAKERS: Dorrit Egli, appellant; Rita Fornino, permit holder; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. V92-233

(11) JIMMY JEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 16, 1992,
of Rear Yard Variance sought
for property located at
643 - 28th Street.
VARIANCE CASE NO. 92.337V.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; John Petrovsky, Michael Kinney, Terrance Louie, John Maniaci, in opposition to the project; Paul Fan, architect for the estate; and Raymond Huttig, executor of the estate.

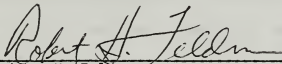
(12) Commissioners' Questions and Comments.

SPEAKER: President Eisenberg scheduled a site visit for himself and Commissioner Owens at 5:00 p.m. Thursday January 21, 1993 for Appeal No. 92-224, 1445 Van Dyke Avenue. The staff shall notify the parties by mail.

(13) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan commented on her satisfaction with the staff participation and outcome of final negotiations on Appeal No. 92-122, 1234 Chestnut Street.

There being no further business, President Eisenberg adjourned the meeting at 8:57 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS DOCUMENTS DEPT.

WEDNESDAY, JANUARY 27, 1993

FEB 4 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) Informational presentation by Larry Litchfield, Superintendent of Bureau of Building Inspection on "The Investigation Fee Process".

(2) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Joe O'Donoghue and Edith McMillan commented on Mr. Litchfield's presentation.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Touraj Tehrany, requesting rehearing of Appeal No. 92-213, 517 Clement Street. Hearing December 16, 1992. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and REVOKE the permit. The appellant did not appear.

On January 6, 1993 the Board considered this Request for Rehearing and voted 5-0 to DENY it. Mr. Tehrany did not appear for the reason he did not understand that the Board expected him to be present. To reconsider this matter the Board would rescind its vote of January 6th first and then hear from the appellant.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to RESCIND their vote of January 6, 1993 to DENY the request for rehearing. Then upon motion by Commissioner Felzer, the Board voted 5-0 to GRANT rehearing and scheduled it for March 10, 1993.

SPEAKER: Touraj Tehrany, appellant.

APPEAL NO. 92-224

(4) ALICE SMITH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 20, 1992, to Young Chi
[Whang, permit to Erect a Building
[at 1445 Van Dyke Avenue.
[APPLICATION NO. 9108133.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 1-4 (President Eisenberg, Vice President Bradstreet, Commissioners Alba and Felzer dissented) to overrule the department and revoke the permit. Four votes being necessary, the motion failed. Then on motion by President Eisenberg, the Board voted 4-1 (Commissioner Owens dissented) to UPHOLD the department and GRANT the permit with findings and the following CONDITIONS: (1) The permit holder shall use double glazed windows on the subject building to reduce noise and dust that might disrupt the neighborhood. (2) The permit holder shall plant a street tree on the sidewalk in front of the subject building in consultation with the Department of Public Works; the tree should be of the kind with roots which will not break the pavement. (3) The permit holder shall install all machines on the east side and towards the rear of the building, as far from the residence at 1447 Van Dyke as possible. (4) The sign on the front of the building shall be reviewed and approved by the Zoning Administrator so that it is of a quality that has a minimum impact on the residents next door and across the street. (5) The permit holder shall keep the front sidewalk clear of all waste material. (6) The rolling doors in front must be kept closed, except for incoming traffic. (7) The new building shall be painted in a manner similar to the house or the adjacent lot at 1447 Van Dyke. (8) The appellant's business shall not be expanded in scope or intensity.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning
Peter LaBrie, Planner for Department of City Planning; Henrietta Jones
Harold Brooks, Reverend James Smith, Espanola Jackson, Wanda Lewis, Edit
McMillan, in opposition to the project; Steve Whang, son of permit holder
Alice Smith, appellant; and Mike Murray, contractor.

APPEAL NO. 92-239

(5) UNITED MERCHANDISING CORP.,
dba "BIG 5 SPORTING GOODS",
Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on November 23, 1992,
[of Dealer in Firearms and
[Ammunition permit at
[at 1533 Sloat Blvd.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to UPHOLD the department and DENY the permit.

SPEAKERS: Jeffrey Barker, attorney and Sergeant Steve Tacchini, for S.F.P.D.
Bruce Selby, Bill and Barbara Chionsini, Edward Von der Porten, Patric
Frank, Timothy Ryan, Jimmy Ng, Barbara Anthony and Jerry Klein, in opp
sition; and John Ziskin, appellant.

The Board recessed from 7:42 to 8:00 p.m.

APPEAL NO. 92-244

- (6) ISRAEL MEGERSA-GENBABA AND
RAFIQ BILAL, dba "THE UPPER
ROOM", Appellants
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on November 24, 1992,
[of Dance Hall Keeper permit
[at 7 Grove Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the following CONDITIONS: (1) Must not apply at any time for a liquor license of any kind; (2) No in and out. When someone leaves they must pay to reenter; (3) Main entrance must be 7 Grove and not on Market Street. This will ensure that a crowd does not gather on Market and addresses the concerns of the Ramada Inn; and (4) If the premises is full the security personnel will prevent the formation of a line on the street.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Rafiq Bilal and Israel Megerssa-Genbaba, appellants; Rich Viscarra, in opposition; and Carolyn Diamond, of the Greater Market Street Association in support.

APPEAL NO. 92-218

- (7) HECTOR NAVARRO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 27, 1992, for work
[at 1689 - 93 Folsom Street.
[APPLICATION NO. 9211884.
[FOR HEARING TODAY.

ACTION: ADMINISTRATIVELY WITHDRAWN prior to hearing because the Bureau of Building Inspection rescinded the penalty.

APPEAL NO. 92-238

- (8) DOUGAN CHAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[December 2, 1992, for work
[done at 635 - 16th Avenue.
[APPLICATION NO. 9204666.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$96.85 for a total of \$193.70.

SPEAKER: William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 92-240

(9) YEE LUNG HONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
November 24, 1992, for work
done at 779 Treat Avenue.
[APPLICATION NO. 9202392.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee for work totaling \$2,500.00.

SPEAKER: William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 92-241

(10) PRISCILLA LU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on December
4, 1992, for work done at
at 2101 Turk Street.
[APPLICATION NO. 9112974.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$188.50 for a total of \$377.00.

SPEAKERS: Priscilla Lu, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 92-243

(11) JESSE ALMOND, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty for
work on December 3, 1992,
done at 1122 Page Street.
[APPLICATION NO. 9214840.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to four times the regular fee for work totaling \$2,500.00.

SPEAKER: William Schock, Senior Building Inspector for Bureau of Building Inspection. The appellant did not appear.

APPEAL NO. V92-230

(12) CHRISTOPHER LEVESQUE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 16, 1992,
of Off-Street Parking Variance
sought for property located
at 622 Douglass Street.
[VARIANCE CASE NO. 92.134V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 3-2 (Commissioners Alba and Felzer dissented) to overrule the department. Four votes are needed and the motion failed. Then on motion by President Eisenberg, the Board voted 5-0 to CONTINUE the matter to August 4, 1993.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Klein, agent for appellant; Christopher Levesque, appellant; and Carol Hull, tenant in favor of the project.

APPEAL NO. 92-237

(13) JERRY KLEIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by Zoning
[Administrator on November 25,
[1992, that the western property
[line of 2927 Larkin Street is
[deemed the rear line for cal-
[culating the rear yard under
[Section 134 and that the plans
[for a one-family house approved
[by the Board under Appeal No.
[92-106 cannot be approved unless
[a variance is granted from rear
[yard standards.
[APPLICATION NOS. 9109301, 9109304.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRIDE the determination with new findings.

SPEAKERS: Jerry Klein, agent for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Tom Curtin, on behalf of neighbors in support of appellant.

APPEAL NO. V92-242

(14) MARK BRAND, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Condition 1 of
[Off-Street Parking Variance
[granted on November 23, 1992,
[for property located at
[254 Hartford Street.
[VARIANCE CASE NO. 91.626EV.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to OVERRIDE the department and allow the door between the upper and lower levels with findings by President Eisenberg.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Mark Brand, appellant; Gaetano Amorosi, property owner.

(15) Annual Election of Officers.

ACTION: Upon motion by Commissioner Owens, the Board voted 5-0 to re-elect Neil Eisenberg president and Angela Bradstreet vice president, each to serve one year until the next election.

(16) Commissioners' Questions and Comments.

SPEAKERS: None.

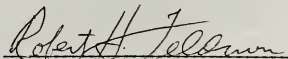
(17) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

(18) Executive Session: Performance Appraisal of executive director as required by Civil Service Commission.

Commissioner Owens departed at 10:40 p.m.

There being no further business, President Eisenberg adjourned the meeting at 10:45 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

111
MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 3, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer and Wayne Alba.

Robert Passmore, Zoning Administrator for Department of City Planning; Neil Rains, Assistant Superintendent for Department of Public Works; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Juanita Owens.

1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

None.

APPEAL NO. 92-253

MUFID A. SHEHADAH, dba
"SAHARA RESTAURANT", Appellant

vs.

3) SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on December 9, 1992,
[of Dance Hall Keeper/Place
[of Entertainment Permit
[at 444 DeHaro Street.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by President Eisenberg, the Board CLOSED the public hearing and voted 4-0 to CONTINUE the matter to March 10, 1993 to conduct a professional sound evaluation of the premises.

SPEAKERS: Jeffrey Barker, attorney and Officers William Arietta and Michael Mahoney, S.F.P.D.; Carl Randolph Wood, Betty Matsuoka, Sue Florence, Amy Johns, Merilee Wood, John and Joan Tricamo, Stephanie Angeli, in support of P.D.; H. Leland Shane, attorney for appellant; Mufid A. Shehadah, appellant; and Ulysses E. Woodard, Ali Abraham, Egbert Hervey, Raymond Uliberri, Edward Real, Fred Mogannam, Salin Dajwood, Yasser Yasser, Emir Assad, Veronica Davis, Dexter Vizinau, Josette Maury, for appellant.

The Board recessed from 7:43 to 7:58 p.m.

APPEAL NO. 92-226

- (4) RITA FORNINO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on November 20,
[1992, for work done at
[1855 - 1859 Broadway Street.
[APPLICATION NO. 9220329.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by appellant on February 3, 1993.

APPEAL NO. 92-246

- (5) JAMES VLAHOS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty
[on November 30, 1992,
[for work done at
[2260 Van Ness Avenue.
[APPLICATION NO. 9214066.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee for work totaling \$800.00.

SPEAKERS: Neil Rains, Assistant Superintendent for Department of Public Works and James Vlahos, appellant.

APPEAL NO. 92-247

- (6) PATRICK J. RYAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty imposed on
[December 9, 1992, for work
[done at 1337 Cortland Avenue.
[APPLICATION NO. 9218789.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$85.15 for a total of \$425.15.

SPEAKER: Neil Rains, Assistant Superintendent for Department of Public Works
The appellant did not appear.

APPEAL NO. 92-250

- (7) DAVID & CECILIA CHAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed on
[October 20, 1992, for work
[done at 350 Bay Street.
[ELEC. PERMIT NO. 108306.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$226.00 for a total of \$452.00.

SPEAKERS: Neil Rains, Assistant Superintendent for Department of Public Works. David Chan, appellant, was present but did not speak.

APPEAL NO. 92-251

SAM PON, Appellant

vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
December 7, 1992, for work
done at 1670 - 32nd Avenue.
APPLICATION NO. 9123326.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bardstreet, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$203.78 for a total of \$407.56.

SPEAKERS: Sam Pon, appellant; and Neil Rains, Assistant Superintendent for Department of Public Works.

APPEAL NO. 92-252

MATTHEW EASLEY, Appellant

vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
of Penalty imposed on
December 16, 1992, for work
done at 1722 Newcomb Avenue.
APPLICATION NO. 9207815.
FOR HEARING TODAY.

ACTION: After discussion, ADMINISTRATIVELY WITHDRAWN. The penalty was rescinded by Neil Rains, Assistant Superintendent for Department of Public Works.

APPEAL NO. 92-248

ANDREW A. MAUDSLEY, Appellant

vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
December 3, 1992, to Robert
Birmingham, permit to Alter a
Building at 53 Winfield Street.
APPLICATION NO. 9210903.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holder shall revise the plans for the railing in consultation with the department and the owner of 57 Winfield so that the railing is open to the extent necessary to insure no loss of view to the occupants of 57 Winfield.

APPEAL NO. 92-254

- (11) LUIS PENELAS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
December 8, 1992, to Rita
Chiu, permit to Erect a
Structure at 43 Santa Marina St.
APPLICATION NO. 9021618S.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to CONTINUE the matter to March 10, 1993 for A.I.A. mediation by the Advisory Design Review Panel. The Executive Director was directed to telephone A.I.A. as soon as possible to ask for expedited processing of the matter.

SPEAKERS: Luis Penelas, appellant; Gary Lee, architect for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and David Brigode, Jose Marengo and Charles Morgenstern, in opposition to the project.

APPEAL NO. V92-255

- (12) PATRICK MEDIA GROUP, Inc., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 17, 1992,
of Sign Size, Height, and
Location Variances sought
for property located at
2566 Bayshore Boulevard.
VARIANCE CASE NO. 92.369V.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 to OVERRULE the department and GRANT the variance with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Don Bertone of Little Hollywood and Visitation Valley groups, in opposition; and Jim Reuben, attorney for appellant.

- (13) Commissioners' Questions and Comments.

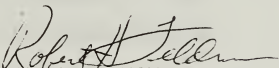
SPEAKERS: None.

- (14) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (15) Executive Session: Performance Appraisal of executive director as required by Civil Service Commission.

There being no further business, President Eisenberg adjourned the meeting at 10:20.



Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 17, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer and Wayne Alba.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Department of Public Works; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Juanita Owens.

- (1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Alice Smith, appellant, requesting rehearing of Appeal No. 92-224, 1445 Van Dyke Avenue. Upon motion by Commissioner Owens, the Board voted 1-4 (President Eisenberg, Vice President Bradstreet, Commissioners Alba and Felzer dissented) to overrule the department and revoke the permit. Four votes being necessary, the motion failed. Then on motion by President Eisenberg, the Board voted 4-1 (Commissioner Owens dissented) to UPHOLD the department and GRANT the permit with findings and CONDITIONS.

ACTION: CONTINUED at hearing to February 24, 1993 for vote by a full Board at request of appellant.

SPEAKERS: Alice Smith, appellant; and Steven Whang, agent for permit holder.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from F. H. "Joe" Smith, requesting that the Board take jurisdiction over Pushcart Peddler permit for the N/E corner of Van Ness Avenue and Grove Street.

Date permit issued
Appeal period ended
Request for jurisdiction

December 24, 1992
January 8, 1993
February 8, 1993

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 to GRANT jurisdiction with the CONDITION that the permit not be suspended while the matter is pending. Mr. Smith has 15 days to file an appeal.

SPEAKERS: Fagan H. "Joe" Smith, requestor; and Jack Dudum of Oh! la! la!, permit holder.

APPEAL NO. 93-004

(3) WILLIAM LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
January 5, 1993, for work
done at 1718 - 45th Avenue.
[APPLICATION NO. 9218804.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$215.80 for a total of \$431.60. (6)

SPEAKERS: William Lee, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 92-259

(4) SUTTER/FILLMORE NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
December 17, 1992, to
[Macedonia Baptist Church,
[permit to Alter a Building
[at 2135 Sutter Street.
[APPLICATION NO. 9220822.
[FOR HEARING TODAY. (7)

ACTION: CONTINUED at hearing to February 24, 1993 for Commissioner Owens to read transcript of the proceedings and vote of the full Board. President Eisenberg then CLOSED the public hearing. Mr. Breall, after consulting by telephone with his client, agreed to pay for the transcript.

SPEAKERS: Joseph Breall, attorney for appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; Patricia Vaughney for permit holder; Lawrence Acker, contractor for permit holder; Milton Kreiger of Nishkian Associates; Fred Muse, Doris Ward, Ann Bloomfield, Reverend Clifford Westbrook, in favor of project.

The Board recessed from 8:00 to 8:15 p.m.

APPEAL NO. 93-003

(5) CATHERINE QUIGLEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
January 5, 1993, to Chris
[Botta, permit to Alter a
[Building at 521 Flood Street.
[APPLICATION NO. 9206054S.
[FOR HEARING TODAY. (8)

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 to UPHOLD the department with the CONDITION that the hours of construction be Monday through Friday, 8:30 a.m. to 5:30 p.m. and the permit holder shall build a new fence along the easterly property line.

SPEAKERS: Catherine Quigley, appellant; Chris and Bert Botta, for permit holder; and Suzanne Alexander in favor of project.

APPEAL NO. V92-256

(6) DICK W. WONG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 18, 1992,
[of Off-Street Parking Variance
[sought for property located
[at 338 - 3rd Avenue.
[VARIANCE CASE NO. 92.391V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Dick Wong, appellant.

APPEAL NO.93-001

(7) GRETCHEN HILLENBRAND, dba "THE STRAW,
THE JAR AND THE BEAN", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing condition imposed
[by the Department of City
[Planning on December 24, 1992
[on a Health Permit for a Retail
[Specialty Food Store which
[prohibits on site food consump-
[tion, tables and seating at
[2047 Fillmore Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department with findings and with the CONDITION that the accessory use of five stools shall be allowed and food preparation be consistent with the present use and not be expanded.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Gretchen Hillenbrand, appellant.

(8) Consideration of proposed department budget for Fiscal Year 1993-1994.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to ADOPT the budget.

MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 17, 1993 (cont'd.)

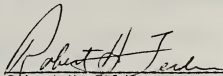
(9) Commissioners' Questions and Comments.

SPEAKERS: None.

(10) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 9:15 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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111
MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 24, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Bruce Bonacker and Robert Bossi asked the Board to tell Bureau of Building Inspection to hold a Board of Examiners meeting to hear the roof drainage issue for the property at 990 Palou Avenue. President Eisenberg suggested they request jurisdiction in the usual manner for their problem.

Ramona Albright thanked President Eisenberg for doing a great job and presented him with a plaque.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Alice Smith, appellant, requesting rehearing of Appeal No. 92-224, 1445 Van Dyke Avenue. Upon motion by Commissioner Owens, the Board voted 1-4 (President Eisenberg, Vice President Bradstreet, Commissioners Alba and Felzer dissented) to overrule the department and revoke the permit. Four votes being necessary, the motion failed. Then on motion by President Eisenberg, the Board voted 4-1 (Commissioner Owens dissented) to UPHOLD the department and GRANT the permit with findings and CONDITIONS.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: Alice Smith, appellant; and Steve Whang, for permit holder.

ADOPTION OF AMENDED FINDINGS:

ITEM B: Appeal No. V92-255, 2566 Bayshore Boulevard. Hearing February 3, 1993. After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (Commissioner Owens absent) to OVERRULE the department and GRANT the variance with findings.

MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 24, 1993 (cont'd.)

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens excused) to ADOPT amended findings.

SPEAKERS: None.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Thomas Panelli, requesting that the Board take jurisdiction over penalty imposed for Building Permit Application No. 9300785 to alter a building at 1626 North Point Street.

Date permit issued	January 19, 1993
Appeal period ended	February 3, 1993
Request for jurisdiction	February 17, 1993

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to GRANT jurisdiction. Mr. Panelli has 15 days to file an appeal.

SPEAKERS: Thomas Panelli, requestor.

APPEAL NO. 92-259

(3) SUTTER/FILLMORE NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[December 17, 1992, to
[Macedonia Baptist Church,
[permit to Alter a Building
[at 2135 Sutter Street.
[APPLICATION NO. 9220822.
[THE PUBLIC HEARING WAS
[CLOSED AFTER TESTIMONY
[TAKEN ON FEBRUARY 17, 1993
[AND THE MATTER CONTINUED TO
[ALLOW COMMISSIONER OWENS TO
[PARTICIPATE IN THE FINAL
[DECISION.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to GRANT the permit with findings by President Eisenberg.

SPEAKERS: Commissioner Owens, before making her motion, said she had read the written material and the transcript of the public hearing and was prepared to consider the matter.

APPEAL NO. 92-227

(4) WING BON DONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[November 12, 1992, for work
[done at 2729 - 33 McAllister St.
[APPLICATION NO. 9112738.
[FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant on February 19, 1993.

APPEAL NO. 93-007

(5) WILLIAM ERKELENS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
January 12, 1993, for work
done at 1121 Polk Street.
APPLICATION NO. 9020074.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$534.30 for a total of \$1,068.60.

SPEAKERS: William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-008

(6) JOSE M. FLORES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
January 19, 1993, for work
done at 169-171 Henry Street.
APPLICATION NO. 9215043.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$248.30 for a total of \$496.60.

SPEAKERS: William Schock, Senior Building Inspector for Bureau of Building Inspection. The appellant was present but did not speak.

APPEAL NO. 93-011

(7) JAY PATEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
January 20, 1993, for work
done at 4340 Judah Street.
APPLICATION NO. 9213154.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Jay Patel, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-012

(8) SOPHIA MA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
January 13, 1993, for work
done at 440 Crestlake Drive.
APPLICATION NO. 9218458.
FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 24, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Sophia Ma, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-002

(9) GERMAIN GSCHWIND, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 5, 1993,
[of permit to Alter a Building
[at 324 - 326 Noriega Street.
[APPLICATION NO. 9219226.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the CONDITION that the wet bar be removed.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Germain Gschwind, appellant.

The Board recessed from 6:56 to 7:08 p.m.

Items (10A), (10B) and (10C) were heard together

APPEAL NO. 93-005

(10A) GEORGE J. GROVER, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1993, to
[Denis O'Riordan, permit
[to Demolish a Building
[at 870 North Point Street.
[APPLICATION NO. 9200358.
[FOR HEARING TODAY.

APPEAL NO. 93-006

(10B) GEORGE J. GROVER, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1993, to
[Denis O'Riordan, permit
[to Erect a Building at
[870 North Point Street.
[APPLICATION NO. 9200357S.
[FOR HEARING TODAY.

APPEAL NO. 93-009

(10C) PAUL J. RIEHLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1993, to
[Denis O'Riordan, permit
[to Erect a Building at
[870 North Point Street.
[APPLICATION NO. 9200357S.
[FOR HEARING TODAY.

ACTION: CONTINUED to April 7, 1993 for A.I.A. mediation. No testimony taken.

SPEAKERS: Paul Riehle, appellant; David Rabbitt, architect for permit holder; George Grover, Jr., appellant; Brent Prouty and John Rising, opposed to project.

APPEAL NO. 93-010

(11) MIGUEL PAREDES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 5, 1993, to Margaret
[E. Nuccitelli, permit to
[Alter a Building at
[69 Pearl Street.
[APPLICATION NO. 9206734.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the following CONDITIONS: 1. The permit holder is to pay directly to the appellant and not to his attorney, the sum of \$6,000.00 in two payments as follows: (a) \$3,000.00 within thirty (30) days of the effective date of this decision; (b) \$3,000.00 upon the vacation of the apartment by the appellant. 2. In the event the appellant does not vacate within thirty (30) days of his receipt of the first payment of \$3,000.00, the appeal is denied and the permit is deemed upheld and the conditions released. The effective date of the Board's decision is the date of the issuance of the Notice of Decision and Order to the parties and departments.

SPEAKERS: Miguel Paredes, appellant; and Robert Passmore, Zoning Administrator Department of City Planning. The permit holder did not appear.

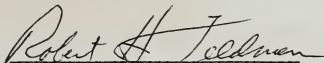
(12) Commissioners' Questions and Comments.

SPEAKERS: None.

(13) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 8:08 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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11
MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 10, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Robert Passmore, Zoning Administrator, dated February 16, 1993, requesting rehearing of Appeal No. V92-255, 2566 Bayshore Boulevard. Hearing February 3, 1993. After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (Commissioner Owens absent) to OVERRULE the department and GRANT the variance with findings. On February 24, 1993 the Board adopted amended findings by a vote of 4-0 (Commissioner Owens excused).

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (Commissioner Owens excused) to DENY the request for rehearing.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Jim Reuben, attorney for appellant.

REQUESTS FOR JURISDICTION:

ITEM B: Letter from Leonard W. Glauber, requesting that the Board take jurisdiction over Building Permit Application No. 9119618 to alter a building at 593 Buena Vista West.

Date issued
Appeal period ended
Request for jurisdiction

August 18, 1992
September 2, 1992
February 22, 1993

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to GRANT jurisdiction. Mr. Glauber has 15 days to file an appeal.

SPEAKERS: Leonard Glauber, requestor; and Theodore Taplin, permit holder.

ITEM C: Letter from Joe R. Wyman of the Port of San Francisco, requesting that the Board take jurisdiction over disapproval of Health Permit Application Referral for Commissary for the New York Frankfurter Company at 101 Embarcadero Center, Suite 118.

Date issued	December 16, 1992
Appeal period ended	December 31, 1992
Request for jurisdiction	March 2, 1993

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to GRANT jurisdiction. Mr. Wyman or Ms. Schoop have 15 days to file an appeal.

SPEAKERS: Catherine Schoop, permit holder; Judith Boyajian, Deputy City Attorney; and Joe Wyman, requestor, Port of San Francisco.

APPEAL NO. 92-253

(3) MUFID A. SHEHADAH, dba
"SAHARA RESTAURANT", Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on December 9, 1992,
[of Dance Hall Keeper/Place
[of Entertainment Permit
[at 444 DeHaro Street.
[FOR FURTHER HEARING TODAY.

ACTION: CONTINUED at hearing to **March 24, 1993** for input from the neighborhood on the proposed conditions recommended by the Police Department.

SPEAKERS: Attorney Jeffrey Barker, Officers Michael Mahoney and William Arietta, S.F.P.D.; Leland Shain, attorney for appellant; and Mufid Shehadah, appellant.

APPEAL NO. 92-213

(4) TOURAJ TEHRANY, dba "YAHA",
Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Revocation on October 20, 1992,
[of Place of Entertainment
[permit at 517 Clement Street.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Alba, the Board voted 5-0 to UPHOLD the department and REVOKE the permit. The appellant did not appear.

SPEAKERS: Jeffrey Barker, attorney and Sergeant Stephen Tacchini, S.F.P.D.

APPEAL NO. 92-254

(5) LUIS PENELAS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
December 8, 1992, to Rita
Chiu, permit to Erect a
Structure at 43 Santa Marina St.
APPLICATION NO. 9021618S.
FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings.

SPEAKERS: Luis Penelas, appellant; David Brigode, Jose Marengo, Will Wenham, opposed to the project; Gary Lee, architect for permit holder; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 7:15 to 7:31 p.m.

APPEAL NO. 93-018

(6) ALFRED J. SANCHEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on February
2, 1993, for work done at
1604 Jackson Street.
APPLICATION NO. 9218907.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and SUSTAIN the full penalty.

SPEAKERS: Alfred Sanchez, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; and George Zannis, in support of the department.

Items 7, 8, 9, and 10 were considered together by the Board with no opposition from the departments or public.

APPEAL NO. 93-019

(7) ALMA J. GRIFFIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on February
8, 1993, for work done
at 135 Wilde Avenue
APPLICATION NO. 9221641.
FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$248.30 for a total of \$496.60.

SPEAKERS: None.

APPEAL NO. 93-013

(8) LAI RUI CHEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
January 21, 1993, for
done at 1400 York Street.
APPLICATION NO. 9201711.
FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$188.50 for a total of \$377.00.

SPEAKERS: None.

APPEAL NO. 93-015

(9) VALERIE VALDEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on January
29, 1993, for work done
at 4267 - 23rd Street.
APPLICATION NO. 9209904.
FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$127.40 for a total of \$254.80.

SPEAKERS: None.

APPEAL NO. 93-016

(10) RUBEN VILLALOBOS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
January 28, 1993, for work
done at 1026 York Street.
APPLICATION NO. 9120429.
FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$371.80 for a total of \$743.60.

SPEAKERS: None.

APPEAL NO. 93-014

(11) THOMAS & MELISSA SITTER, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 25, 1993,
of permit to Alter a Building
at 1125 Taylor Street (canopy).
APPLICATION NO. 9219423.
FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 10, 1993 (cont'd.)

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Melissa Sitter, appellant.

Items (12A) and (12B) were heard together

APPEAL NO. 92-257

(12A) OSGOOD ASSOCIATES, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 10, 1992,
[of permit to Convert a Building
[from Residential to Commercial
[Use at 41 - 47 Osgood Place.
[APPLICATION NO. 9207171.
[FOR HEARING TODAY.

APPEAL NO. 92-258

(12B) OSGOOD ASSOCIATES, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 10, 1992,
[of permit to Convert a Building
[from Residential to Commercial
[Use at 51 - 59 Osgood Place.
[APPLICATION NO. 9215214.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Bradstreet, the Board voted 5-0 to excuse President Eisenberg from participating in the matter because of a prior attorney/client relationship with one of the appellants. Then after discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (President Eisenberg excused) to UPHOLD the department and DENY the permits.

SPEAKERS: Richard Simkalo and Ronald Hothem, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Cheryl Isele, attorney for appellants; and Brad Paul, Susan Colliver, Francesca Natasha LaFaroche, Peter Beckers and Sue Hestor in opposition to the appellants and in support of the Department of City Planning.

The Board recessed from 9:41 to 9:46 p.m.

APPEAL NO. 93-017

(13) EVERETT L. BOWDEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 20, 1993, to Ed
[Rybicki, permit to Alter a
[Building at 160 Julian Avenue.
[APPLICATION NO. 9219412.
[FOR HEARING TODAY.

ACTION: CONTINUED to March 24, 1993 for a site inspection and report by Commissioner Felzer.

SPEAKERS: Everett Bowden, appellant; Ed Rybicki, permit holder; and George Zannis, contractor for permit holder.

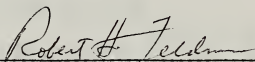
(14) Commissioners' Questions and Comments.

SPEAKERS: None.

(15) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 10:30 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 24, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan requested that presentations be confined to the prescribed time limits and that the Board recess at 7:00 p.m.

Upon motion by Vice President Bradstreet, the Board voted 5-0 to adopt a resolution in verse written by President Eisenberg supporting allowing poetry readings without requiring a place of entertainment permit from the S.F.P.D. Permit Bureau.

The Board directed the Executive Director to transmit the resolution to Sergeant Stephen Tacchini of the S.F.P.D.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM A: Letter from Alice Loo, requesting that the Board take jurisdiction over parking and exposure variances and rear yard modification granted for property located at 2185 - 2193 Market Street (Variance Case No. 91.252V).

Date of decision	September 29, 1992
Appeal period ended	October 9, 1992
Request for jurisdiction	March 16, 1993

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to GRANT the request for jurisdiction. Ms. Loo has ten days to file an appeal and \$100.00 shall be waived of the \$400.00 fee to file an appeal.

SPEAKER: Robert Passmore, Zoning Administrator for Department of City Planning.

ADOPTION OF FINDINGS:

ITEM B: Appeal Nos. 92-257 and 92-258, 41 - 47 and 51 - 59 Osgood Place. Hearing March 10, 1993. Upon motion by Vice President Bradstreet, the Board voted 5-0 to excuse President Eisenberg from participating in the matter because of a prior attorney/client relationship with one of the appellants. Then after discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (President Eisenberg excused) to UPHOLD the department and DENY the permits.

ACTION: CONTINUED prior to hearing at request of City Attorney's Office to April 7, 1993.

- (3) EVERETT L. BOWDEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- APPEAL NO. 93-017
- [Protesting issuance on
[January 20, 1993, to Ed
[Rybicki, permit to Alter a
[Building at 160 Julian Avenue.
[APPLICATION NO. 9219412.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the deck be moved in three feet from the property line.

SPEAKERS: None. The public hearing was closed after testimony at the last meeting on March 10, 1993.

- (4) MUFID A. SHEHADAH, dba
"SAHARA RESTAURANT", Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent
- APPEAL NO. 92-253
- [Denial on December 9, 1992,
[of Dance Hall Keeper/Place
[of Entertainment Permit
[at 444 DeHaro Street.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the CONDITIONS recommended by the Police Department and the additional requirement that the music level be limited to 85 decibels and major holidays be included in days of operation.

SPEAKERS: Jeffrey Barker, attorney and Officer Michael Mahoney, for S.F.P.D.; and H. Leland Shane, attorney for appellant.

- (5) MARK ZIMMELMAN, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent
- APPEAL NO. 92-211
- [Revocation on October 19, 1992,
[of Second Hand Dealer-State
[permit at 210 Post Street.
[FOR REHEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 24, 1993 (cont'd.)

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to UPHOLD the department and REVOKE the permit.

SPEAKERS: Jeffrey Barker, attorney, Sergeants Stephen Gudelj and Mark Potter, S.F.P.D.; Mark Zimmerman, appellant; and Mark Watson, in support of appellant.

The Board acted on Items 6, 8 and 10 with no objections from the representative of the Bureau of Building Inspection.

APPEAL NO. 93-021

(6) JAMES R. SUTTON, Appellant vs.
DEPT. PUBLIC WORKS, Respondent
[Appealing for Refund of Penalty
[imposed on February 10, 1993,
[for work done at 2622 - 2624
[Greenwich Street.
[APPLICATION NO. 9302008.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$232.05 for a total of \$464.10.

SPEAKER: Lisa Olsen, for appellant.

The Board recessed from 7:01 to 7:16 p.m.

APPEAL NO. 93-022

(7) KENNETH E. NELSON, Appellant vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
[Imposition of Penalty on
[February 4, 1993, for work
[done at 45 Cumberland Street.
[APPLICATION NO. 9201969.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-1 (Commissioner Alba dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$96.85 for a total of \$193.70.

SPEAKER: Kenneth Nelson, appellant.

APPEAL NO. 93-024

(8) JAMES D. GARZA, Appellant vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
[Imposition of Penalty on
[February 17, 1993, for work
[done at 56 Sheridan Street.
[APPLICATION NO. 9220697.
[FOR HEARING TODAY,

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$102.05 for a total of \$204.10.

SPEAKERS: None.

(9) RICHARD H. WHITE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-026
[Appealing for Refund of
[Penalty imposed on February
[9, 1993, for work done at
[3616 - 3618 Sacramento Street.
[APPLICATION NO. 9212836.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: None. The appellant did not appear.

(10) DANIEL L. SCHER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-027
[Appealing for Refund of
[Penalty imposed on February
[18, 1993, for work done at
[2245 Larkin Street.
[APPLICATION NO. 9214770.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$77.35 for a total of \$154.70.

SPEAKERS: None.

(11) ANDREW BARTLETT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-020
[Protesting issuance on
[January 25, 1993, to Chris
[Olocco, permit to Alter a
[Building at 161-163 - 27th St.
[APPLICATION NO. 9216428.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and GRANT the permit with the CONDITION that enforcement of removal of the illegal unit be stayed for six months, but safety violations must be taken care of immediately.

SPEAKERS: Diana Morrow and Barbara Gaal, attorneys for appellant; Andrew Bartlett, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Christopher Olocco, permit holder; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-023

(12) JOSEPH KAUFMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
February 4, 1993, to Sisters
of the Presentation, permit
to Demolish a Building at
301 Ellis Street.
APPLICATION NO. 9204281.
FOR HEARING TODAY.]

ACTION: WITHDRAWN prior to hearing on March 18, 1993 by appellant.

APPEAL NO. 93-028

(13) VINKA AZICH & MICHAEL KOPEC, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
February 4, 1993, to
Larry McCauley, permit
to Erect a Structure at
669 Rhode Island Street.
APPLICATION NO. 9204462S.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings as stated by President Eisenberg.

SPEAKERS: Mary Ann Miller, representative for appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Michael O'Brien, architect for permit holder; Larry McCauley, permit holder; Joe O'Donoghue, in support of the project; Michael Kopec, appellant; Dr. Dale Edwards, Dawn Brondello, and John Jefferies, in opposition to the project.

APPEAL NO. V92-234

(14) GEOFFREY LaDOMUS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 18, 1992,
of Rear Yard Variance sought
for property located at
2702B California Street.
VARIANCE CASE NO. 92.550V.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings.

SPEAKER: Robert Passmore, Zoning Administrator for Department of City Planning; and Geoffrey LaDomus, appellant.

APPEAL NO. V93-025

(15) LOURDES SAINIZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Conditions of
Off-Street Parking Variance
sought for property located
at 957 - 959 Alabama Street.
VARIANCE CASE NO. 92.542V.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the conditions imposed by the department.

SPEAKERS: Ed Lopez, for appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

(16) Commissioners' Questions and Comments.

SPEAKERS: None.

(17) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 9:27 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 7, 1993
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer and Wayne Alba.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Department of Public Works; and Robert Feldman, Executive Director for the Board. Judith Boyajian, Deputy City Attorney, was in attendance and left at the recess.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Juanita Owens.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS:

ITEM A: Appeal Nos. 92-257 and 92-258, 41 - 47 and 51 - 59 Osgood Place. Hearing March 10, 1993. Upon motion by Vice President Bradstreet, the Board voted 5-0 to excuse President Eisenberg from participating in the matter because of a prior attorney/client relationship with one of the appellants. Then after discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (President Eisenberg excused) to UPHOLD the department and DENY the permits.

ACTION: CONTINUED at hearing to April 21, 1993 to review revised findings submitted by attorney for appellant.

SPEAKERS: Cheryl Isele, attorney for appellant; and Judith Boyajian, Deputy City Attorney.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Marilyn Wiley, requesting that the Board take jurisdiction over Building Permit Application No. 9220380 to alter a building at 1948 Pacific Avenue.

Date issued	November 20, 1992
Appeal period ended	December 7, 1992
Request for jurisdiction	March 24, 1993

ACTION: CONTINUED at hearing to May 12, 1993 to allow time for a permit to be issued with revised plans.

SPEAKERS: Marilyn Wiley, requestor; and Andy Forrest, architect for permit holder.

REQUEST FOR JURISDICTION BEYOND TEN-DAY PERIOD TO REQUEST REHEARING:

ITEM C: Letter from Margaret Nuccitelli, permit holder requesting jurisdiction beyond the ten-day period to request rehearing of Appeal No. 93-010. Hearing February 24, 1993. After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permit with CONDITIONS. The permit holder did not appear.

Date of decision	February 24, 1993
Request for rehearing period ended	March 8, 1993
Request for jurisdiction	March 25, 1993

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to GRANT rehearing. Scheduled for hearing on April 21, 1993.

SPEAKER: Margaret Nuccitelli, permit holder.

REQUEST FOR REHEARING:

ITEM D: Letter from Lourdes Sainez, appellant requesting rehearing of Appeal No. V93-025, 957 - 959 Alabama Street. Hearing March 24, 1993. After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the conditions imposed by the department, requiring provision for two compact-sized cars in garage.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to GRANT rehearing. Scheduled for hearing on May 26, 1993.

SPEAKERS: Javier Solorzano, agent for appellant; and Robert Passmore, Zoning Administrator.

APPEAL NO. 92-249

(3) JUSTINIANO J. GOMEZ, dba
"MANGO SAN MIGUEL", Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on December 2, 1992,
[Of Peddler-Fruit Permit
[to operate in front of
[2475 Mission Street.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to June 9, 1993 to allow time for the appellant to find a new location for the pushcart.

SPEAKER: Jerry Klein, agent for appellant.

APPEAL NO. 93-033

(4) FAGAN "JOE" SMITH, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Protesting issuance on December
[24, 1992 to John E. Nazzari, dba
["Oh.la.la!", Pushcart Peddler
[permit to operate on sidewalk
[at the N/E corner of Van Ness
[Avenue and Grove Street at south
[end of City Hall.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 to OVERRULE the department with findings and REVOKE the permit.

SPEAKERS: Fagan Smith, appellant; Jerry Klein and Edith McMillan, in opposition to the pushcart; Jack Dudum, agent for permit holder; Sergeant Stephen Tacchini, permit section, S.F.P.D.

The Board recessed from 7:10 to 7:30 p.m.

APPEAL NO. 93-030

(5) THOMAS PANELLI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on January
[19, 1993, for work done
[at 1626 North Point Street.
[APPLICATION NO. 9300785.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Thomas Panelli, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-034

(6) SAN FRANCISCO HILTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 2, 1993, for work
[done at 333 O'Farrell Street.
[APPLICATION NO. 9221180.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and SUSTAIN the penalty with the CONDITION that the value of the work be reduced to \$18,000.00.

SPEAKER: William Schock, Senior Building Inspector for Bureau of Building Inspection; and James Hart and Edgar Elliott, agents for appellant.

APPEAL NO. 92-043

(7) KUO HSIUN CHIANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on February 21, 1992,
[of permit to Alter a Building
[at 2535 - 38th Avenue.
[APPLICATION NO. 8910470.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department and GRANT the permit with the CONDITION that a Notice of Special Restrictions be recorded to insure single family use only.

SPEAKER: Robert Passmore, Zoning Administrator for the Department of City Planning.

Items (8A), (8B) and (8C) were heard together

APPEAL NO. 93-005

(8A) GEORGE J. GROVER, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January 4, 1993, to Denis O'Riordan, [permit to Demolish a Building [at 870 North Point Street. [APPLICATION NO. 9200358. [FOR HEARING TODAY.

APPEAL NO. 93-006

(8B) GEORGE J. GROVER, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January 4, 1993, to Denis O'Riordan, [permit to Erect a Building [at 870 North Point Street. [APPLICATION NO. 9200357S. [FOR HEARING TODAY.

APPEAL NO. 93-009

(8C) PAUL J. RIEHLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January 4, 1993, to Denis O'Riordan, [permit to Erect a Building [at 870 North Point Street. [APPLICATION NO. 9200357S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and the GRANT the permits with CONDITIONS as recommended by the A.I.A., and with the additional CONDITION that the plans be revised to lower the rear of the building with ceiling heights reduced to eight feet.

SPEAKERS: Paulette Taggart, A.I.A. representative; George Grover and Paul Riehle, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; John Rising, Arthur Huey, Gary Zodrow of the Hyde Street Hotel; Therese Bennett, Cookie Gerald, Josephine Mazzucco, in opposition to the project; David Rabbitt, architect for permit holder; Tom Howard, in favor of the project; Warner Wong, architect for appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 9:53 to 10:05 p.m.

APPEAL NO. 93-035

(9) JUSTIN FIRENZE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated February 22, 1993 [that approval of a ground floor [accessory dental office in the [residence at 3045 - 23rd Avenue [requires removal of existing ground [floor side and rear doors so that [provisions of Planning Code Sections 204 and 204.1 are met. [FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, APRIL 7, 1993 (cont'd.)

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRIDE the department with findings and the CONDITION that a Notice of Special Restrictions be recorded; no signage be allowed; no additional employees who are not residents of the dwelling; and the side and French doors be allowed to remain.

SPEAKERS: Justin Firenze, appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

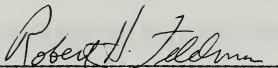
(10) Commissioners' Questions and Comments.

SPEAKERS: None.

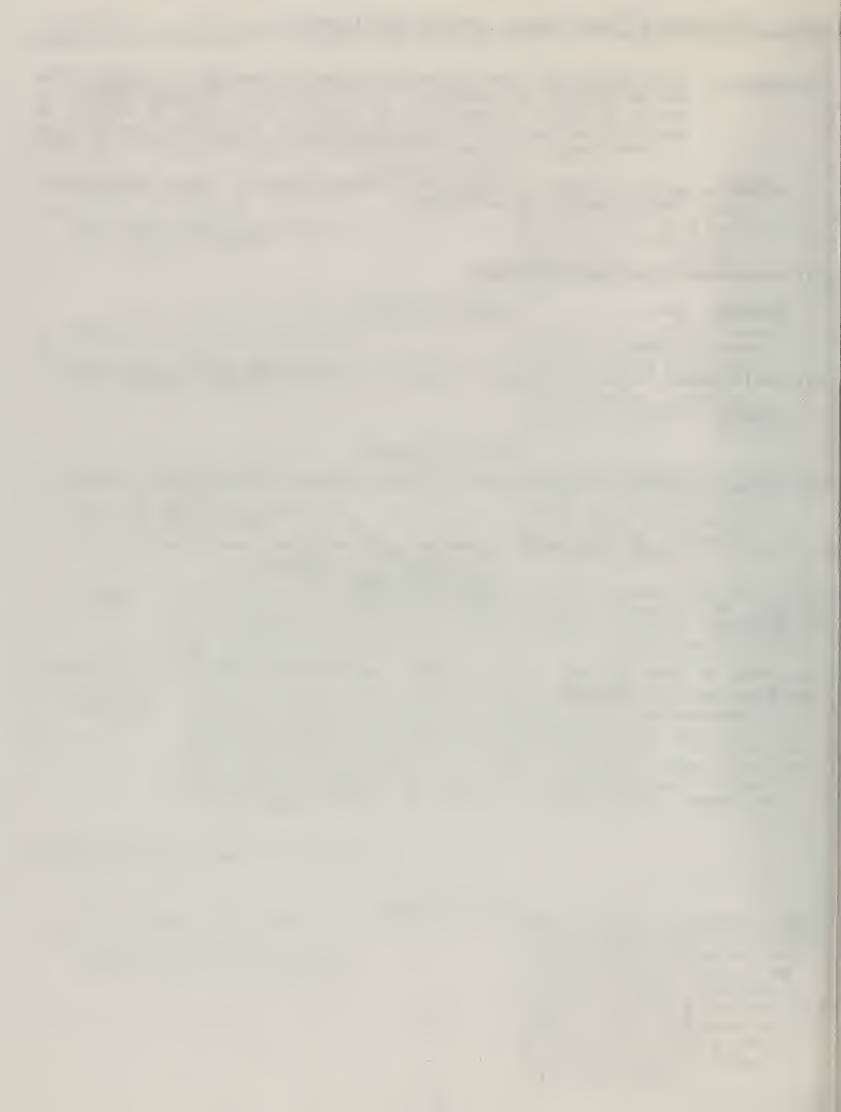
(11) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 10:14 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 21, 1993

5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.
MAY 5 - 1993
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Richard White, appellant requesting rehearing of Appeal No. 93-026, 3616 - 3618 Sacramento Street. Hearing March 24, 1993. Upon motion by Commissioner Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty. The appellant did not appear.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to GRANT rehearing and scheduled it for May 26, 1993.

SPEAKER: Richard White, appellant.

ADOPTION OF FINDINGS:

ITEM B: Appeal Nos. 92-257 and 92-258, 41 - 47 and 51 - 59 Osgood Place. Hearing March 10, 1993. Upon motion by Vice President Bradstreet, the Board voted 5-0 to excuse President Eisenberg from participating in the matter because of a prior attorney/client relationship with one of the appellants. Then after discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (President Eisenberg excused) to UPHOLD the department and DENY the permits.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (President Eisenberg excused) to ADOPT amended findings.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Cheryl Isele, attorney for appellant present but did not speak.

MINUTES OF THE BOARD OF PERMIT APPEALS, APRIL 21, 1993 (cont'd.)

APPEAL NO. 93-038

- (3) CONSUMER AUTO BODY REPAIRS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[March 4, 1993, for work
[done at 923 Valencia Street.
[APPLICATION NO. 9301407.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$134.55 for a total of \$269.10.

SPEAKER: William Schock, Senior Building Inspection for Bureau of Building Inspection.

APPEAL NO. 93-062

- (4) DAVID LOUIE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[March 29, 1993, for work done
[at 199 Genessee Street.
[APPLICATION NO. 9303124.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$118.30 for a total of \$236.60.

SPEAKER: Yoshiro Mikumo, agent for appellant.

APPEAL NO. 93-037

- (5) RAMON SERRANO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL
- [Denial on February 22, 1993,
[of permit to Alter a Building
[at 2984 - 23rd Street.
[APPLICATION NO. 9302122.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department and the GRANT the permit with findings and the CONDITION that the appellant record on the land records a Notice of Special Restrictions which states that this permit is for a laundromat and that this use shall be deemed a Limited Commercial Use under Section 186 of the City Planning Code, and that the use of this property shall be subject to all the restrictions, limits and conditions set forth in Section 186 of the City Planning Code.

SPEAKERS: Lee Woods, Jr., agent for appellant; Sam Totah, Esq., in opposition to the project; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 93-049

LIBERTY HILL NEIGHBORHOOD ASSN.,
Appellant

vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March
9, 1993, to Daniel A. Sullivan,
[permit to Erect a Structure
[at 105 Liberty Street.
[APPLICATION NO. 9019596S.
[FOR HEARING TODAY.

(6)

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Stephen Antonaros, architect for permit holders; Daniel Sullivan and Carl E. Olsen, permit holders; and James Davis, in opposition to the project. The appellant did not appear.

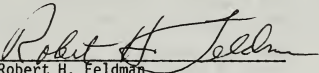
(7) Commissioners' Questions and Comments.

SPEAKERS: None.

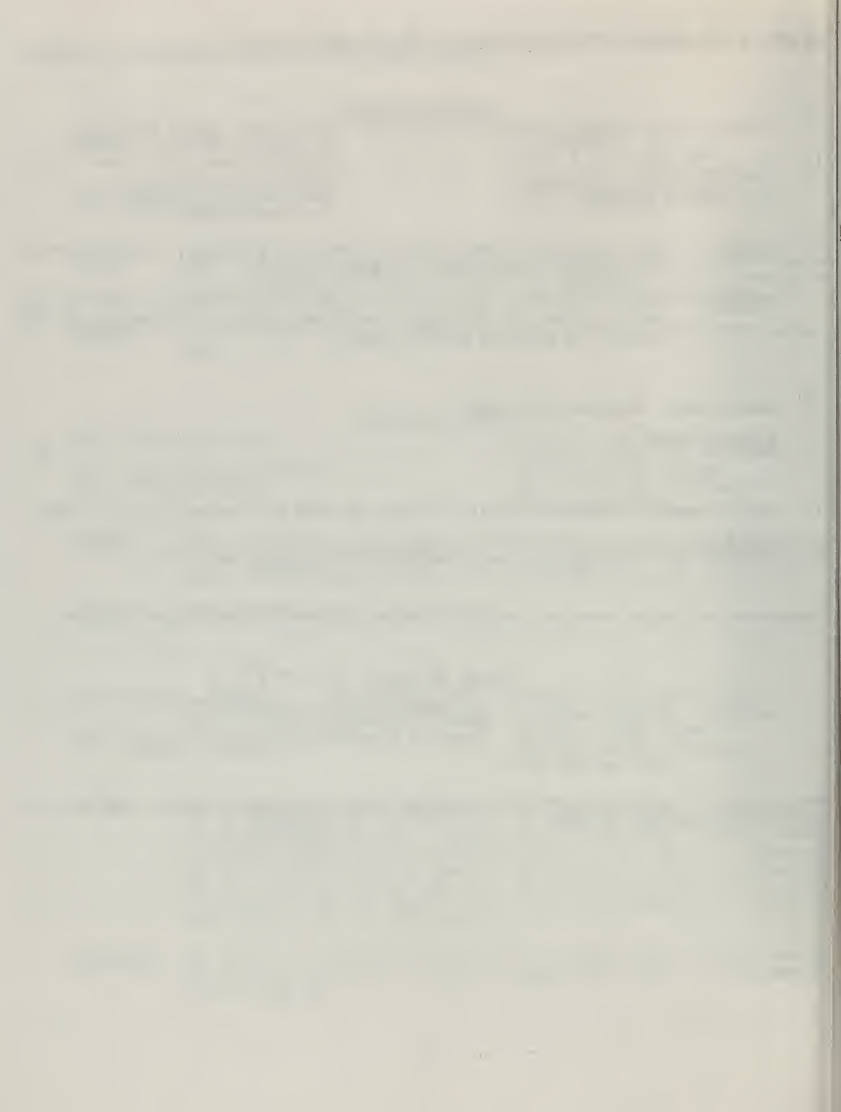
(8) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 6:37 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 12, 1993
5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.
MAY 17 1993
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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Barry Pearl, Planner for Department of City Planning; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: John Barbey apologized for missing the last meeting and withdrew his request for rehearing (Item 2E).

President Eisenberg reported on meeting with Mayor on the budget.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Marilyn Wiley, requesting that the Board take jurisdiction over Building Permit Application No. 9220380 to alter a building at 1948 Pacific Avenue.

Date issued	November 20, 1992
Appeal period ended	December 7, 1992
Request for jurisdiction	March 24, 1993

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to GRANT the request for jurisdiction and scheduled it for July 7, 1993, to be consolidated with Appeal 93-083, the subsequent alteration permit. Ms. Wiley has 15 days to file an appeal.

SPEAKERS: Marilyn Wiley, requestor; Andy Forrest, architect for permit holder; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

ITEM B: Letter from Steven Vettel, attorney for Celal and Pakize Diri, requesting that the Board take jurisdiction over Building Permit Application No. 9118988 to alter a building at 727 Goettingen Street.

Date issued	December 15, 1992
Appeal period ended	December 30, 1992
Request for jurisdiction	April 28, 1993

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to DENY the request for jurisdiction.

SPEAKERS: Steven Vettel, attorney for requestors; Ngok Yuen and Xiao Hong Ruan, permit holders.

REQUESTS FOR REHEARING:

ITEM C: Letter from John Nazzal and Jack Dudum, requesting rehearing of Appeal No. 93-033, Pushcart Permit for corner of Van Ness and Grove. Hearing April 7, 1993. After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 (Commissioner Owens absent) to OVERRIDE the department with findings and REVOKE the permit.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-1 (Commissioner Felzer dissented) to GRANT the rehearing and schedule it for July 7, 1993 with notice sent to Davies Symphony Hall by the S.F.P.D.

SPEAKERS: Sergeant Stephen Tacchini, S.F.P.D.; Fagan Smith, appellant; Edith McMillan, in opposition.

ITEM D: Letters from George Grover and Paul Riehle, requesting rehearing of Appeal Nos. 93-005, 93-006, and 93-009, 870 North Point Street. Hearing April 7, 1993. After discussion, upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and GRANT the permits with CONDITIONS as recommended by the A.I.A., and with the additional CONDITION that the plans be revised to lower the rear of the building with ceiling heights reduced to eight feet.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-1 (Commissioner Felzer dissented) to GRANT the rehearing and schedule it for July 7, 1993.

SPEAKERS: Paul Riehle and George Grover, appellants; Warner Wong, architect for appellants; Donald Olsen, architect for permit holder; and Judith Boyjian, Deputy City Attorney.

ITEM E: Letter from John Barbey, requesting rehearing of Appeal No. 93-049, 105 Liberty Street. Hearing April 21, 1993. Upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permit. The appellant did not appear.

ACTION: WITHDRAWN by letter from John Barbey on May 10, 1993.

The Board recessed from 7:30 to 7:46 p.m.

APPEAL NO. 93-010

(3) MIGUEL PAREDES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 5, 1993, to Margaret
[E. Nuccitelli, permit to
[Alter a Building at
[69 Pearl Street.
[APPLICATION NO. 9206734.
[FOR REHEARING TODAY.

ACTION: CONTINUED at hearing to May 26, 1993 for Superintendent's determination whether the contractor's failure to accurately mark the notice form and post properly should result in revocation of the permit under the Building Code.

SPEAKERS: Nicholas G. Soter, attorney for appellant; Miguel Paredes, appellant; Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Margaret Nuccitelli, permit holder; Judith Boyajian, Deputy City Attorney; and Francisco Crisostomo, contractor for permit holder.

APPEAL NO. 93-048

(4) SHU MEI LEE, dba "FOREST CLUB",
Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 17, 1993,
[of Billiard Parlor permit
[at 46 West Portal Avenue.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-1 (Commissioner Felzer dissented) to OVERRULE the department and GRANT the permit with a six month probation and the CONDITION that live music shall be prohibited.

SPEAKERS: Jeffrey Barker, attorney and Sergeant Stephen Tacchini, for S.F.P.D.; Barry Pearl, Planner for Department of City Planning; and Shu Mei Lee, appellant.

APPEAL NO. 93-053

(5) MARTHA JAWAD, dba "ARLINGTON
MARKET", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Suspension on March 17, 1993,
[for 120 days of Mechanical
[Amusement Device permit at
[488 Ellis Street.
[FOR HEARING TODAY.

ACTION: WITHDRAWN at hearing with the understanding that the S.F.P.D. will change the suspension period to one similar to other like cases.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Paul Slavitt, attorney for appellant; and Martha Jawad, appellant.

The Board recessed from 9:32 to 9:36 p.m.

- (6) ADELE BERGMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- APPEAL NO. 93-051
- [Imposition of Penalty on
March 17, 1993, for work
done at 1847 - 18th Avenue.
APPLICATION NO. 9006934.
FOR HEARING TODAY.]
- ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$189.15 for a total of \$378.30.
- SPEAKER: Gregory Bergman, maintenance man for appellant.

- (7) KWING SHUN KWONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- APPEAL NO. 93-052
- [Imposition of Penalty on
March 25, 1993, for work
done at 15 - 21 Tuscany Alley.
APPLICATION NO. 9217944.
FOR HEARING TODAY.]
- ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$362.05 for a total of \$724.10.
- SPEAKERS: None.

- (8) FLORENCE CHANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- APPEAL NO. 93-040
- [Appealing for Refund of
Penalty imposed on March 3,
1993, for work done
at 1834 Filbert Street.
APPLICATION NO. 9206683.
FOR HEARING TODAY.]
- ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$750.00.
- SPEAKERS Florence Chang, appellant.

- (9) DONALD SMITH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- APPEAL NO. 93-054
- [Denial on March 18, 1993, of
permit to Alter a Building at
772-774 - 14th Street.
APPLICATION NO. 9301270.
FOR HEARING TODAY.]

ACTION: CONTINUED prior to hearing to July 21, 1993 at request of the appellant.

APPEAL NO. 93-036

- (10) ALL SEASONS HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Determination dated February 24, 1993 by the Zoning Administrator that the Harsch Investment Corp., dba the All Seasons Hotel, owners of the residential (group housing) and tourist hotel at 417 Stockton Street, are required to obtain conditional use authorization from the Planning Commission to convert the building to full tourist hotel use under Section 212(e) of the City Planning Code.
[FOR HEARING TODAY.]

ACTION: On motion to uphold the Zoning Administrator by President Eisenberg, the Board took a straw vote of 3-2 (Commissioners Alba and Felzer dissented) and CONTINUED the matter to July 7, 1993 for briefing of legal issues, further hearing, and adoption of findings to be presented by the City Attorney.

SPEAKERS: Joseph Bravo and Andrew Zacks, attorneys for appellant; Kate Stacy and Judith Boyajian, Deputy City Attorneys; Barry Pearl, Planner for Department of City Planning; Tim Lee, Tenderloin Housing Clinic in support of Planning; Harold Schnitzer and Frank Redman, owners of the All Seasons Hotel.

The Board recessed from 11:31 to 11:38 p.m.

APPEAL NO. 93-050

- (11) PORT OF SAN FRANCISCO, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL
- [Disapproval by the Department of City Planning on December 16, 1992 of the proposed permit for a Commissary for Hot Dog Carts to the New York Frankfurter Co. of California Inc. at 101 Embarcadero, Room 118 as referred by the Department of Public Health.
[FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to OVERRULE the department and GRANT the permit.

SPEAKERS: Joe Wyman, Port of San Francisco and Catherine Schoop, owner of New York Frankfurter Company, appellants; and Barry Pearl, Planner for Department of City Planning.

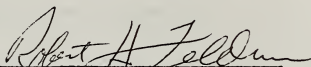
(12) Commissioners' Questions and Comments.

SPEAKERS: None.

(13) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 11:52 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

111
MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 26, 1993

5:30 P.M., CITY HALL, ROOM 282

SF
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#3
5/26/93

PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: President Eisenberg requested that when the City Planning Commission denies discretionary review on a matter before the Board of Permit Appeals, documentation of the decision should be submitted for consideration.

Robert Passmore, Zoning Administrator, acknowledged that the Planning Commission had agreed to send written material indicating the reasons for the Commission's decisions on discretionary review cases.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

None.

APPEAL NO. 93-010

MIGUEL PAREDES, Appellant

vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 5, 1993, to Margaret
[E. Nuccitelli, permit to
[Alter a Building at
[69 Pearl Street.
[APPLICATION NO. 9206734.
[FOR FURTHER REHEARING TODAY.

(3) ACTION: After discussion, upon motion by Commissioner Felzer, with findings stated by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permit with no conditions.

SPEAKERS: William Schock, Senior Building Inspector for Bureau of Building Inspection; Miguel Paredes, appellant; and Margaret Nuccitelli, permit holder.

APPEAL NO. 93-026

- (4) RICHARD H. WHITE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on February
[9, 1993, for work done at
[3616 - 3618 Sacramento Street.
[APPLICATION NO. 9212836.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be two times the regular fee based on the cost of work yet to be done to complete the conversion and to UPHOLD the nine times penalty for the \$1,200.00 worth of plumbing work done without a permit.

SPEAKERS: Richard White, appellant; and William Shock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. V93-025

- (5) LOURDES SAINIZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Conditions of
[Off-Street Parking Variance
[sought for property located
[at 957 - 959 Alabama Street.
[VARIANCE CASE NO. 92.542V.
[FOR REHEARING TODAY.

ACTION: CONTINUED at hearing to July 21, 1993 for cost estimate to move garage wall and site visit by Vice President Bradstreet and Commissioner Alba.

SPEAKERS: Ed Lopez, agent for appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 7:23 to 7:35 p.m.

Items (6A) and (6B) were heard together

APPEAL NO. 93-045

- (6A) TOM YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 10, 1993, for work
[done at 1234A - 1236B
[Broadway Street.
[APPLICATION NO. 9202571.
[FOR HEARING TODAY.

APPEAL NO. 93-046

- (6B) TOM YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 10, 1993, for work
[done at 1234-36-38 Broadway
[Street.
[APPLICATION NO. 9202572.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that each penalty be reduced to a total of \$1,000.00.

SPEAKERS: Tom Yee, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-055

(7) MICHAELA SAAVEDRA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[April 1, 1993, for work
[done at 943 Somerset Street.
[APPLICATION NO. 9018577.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$189.15 for a total of \$378.30.

SPEAKERS: Cecilia Saavedra, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-056

(8) CHARLEY JUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[March 18, 1993, for work
[done at 1414 - 16th Avenue.
[PLUMBING PERMIT NO. 305754.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 3-2 to overrule the department with the condition that the penalty be reduced to two times the regular fee of \$85.05 for a total of \$170.10. Four votes are needed and the motion failed. Then on motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$85.05 for a total of \$425.25.

SPEAKER: Charley Jung, appellant.

APPEAL NO. 93-057

(9) ANNE FISHER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on April
[1, 1993, for work done
[at 343 Frederick Street.
[APPLICATION NO. 9300810.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$494.33 for a total of \$988.66.

SPEAKER: Anne Fisher, appellant.

APPEAL NO. 93-042

- (10) LEONARD W. GLAUBER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on August 18, 1992, to Theodore Taplin, [permit to Alter a Building [at 593 Buena Vista West Avenue. [APPLICATION NO. 9119618. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Leonard Glauber, appellant and Jonathan Rivin, attorney for permit holder.

APPEAL NO. 93-082

- (11) ALFHILDE M. SCHREIBER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on [April 12, 1993, to Dung Tung [Chiu, permit to Alter a [Building at 327 - 6th Avenue. [APPLICATION NO. 9304651S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the following CONDITIONS: (1) Permit holder shall not engage in tai chi or other professional activities in the rear yard. This condition does not restrict appropriate personal recreation in the yard. (2) Permit holder shall install a motion detector light and monitor it to make sure it functions. (3) The abutment in front may be removed but it should be given to Ms. Schreiber if she wants it. (4) All exposed walls shall have horizontal siding.

SPEAKERS: Alfilde Schreiber, appellant; Ares Pappas, in opposition to the project; Rita Mok and Walter Wong, agents for permit holder.

APPEAL NO. 93-090

- (12) SUSAN AND LLOYD HARRIS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on [April 29, 1993, to Yui Cheong [Ng, permit to Alter a Building [at 664 - 16th Avenue. [APPLICATION NO. 9220432S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Lloyd Harris, appellant; Kathryn Broren and David Gallagher, in opposition to the project; Tom Hui, designer for permit holder; and Yui Cheong Ng, permit holder.

APPEAL NO. 93-059

(13) DIMITRA'S SKIN CARE & DAY SPA,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated March 23,
[1993, that a massage establish-
[ment is not a permitted use in
[the West Portal Neighborhood
[Commercial District and any
[Police Department permit appli-
[cation for massage services in
[Dimitra's at 342 West Portal
[Avenue would have to be denied
[under Section 790.60 of the City
[Planning Code.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with findings and allow massage services as accessory to the personal services skin care and day spa.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Robert McCarthy, attorney for appellant; and Dimitra Wagner, appellant.

APPEAL NO. V93-060

(14) WALTER & ALICE LOO, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on
[September 29, 1992, to William
[A. Gravitt, Parking and Exposure
[Variances and Rear Yard Modifi-
[cation for property located at
[2185 - 2193 Market Street.
[VARIANCE CASE NO. 91.252V.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to June 9, 1993.

SPEAKERS: Sue Hestor, attorney for appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Rick Judd, attorney for variance holder; William Gravitt, variance holder; Marianne Miller, in opposition to the project; Walter and Alice Loo, appellants; Murray Selkow and Jack Dan, in favor of the project.

(15) Commissioners' Questions and Comments.

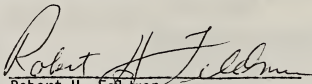
SPEAKERS: None.

(16) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

MINUTES OF THE BOARD OF PERMIT APPEALS, MAY 26, 1993 (cont'd.)

There being no further business, President Eisenberg adjourned the meeting at 11:40 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE BOARD

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 9, 1993

5:30 P.M., CITY HALL, ROOM 282

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6/9/93
PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer and Wayne Alba.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Juanita Owens.

- (1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Virginia Conway stated she did not oppose The Motherlode opening at 1217 Sutter Street and is unable to attend the hearing June 16, 1993.

- (2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from Gladys Magdangal, requesting that the Board take jurisdiction over denial of rear yard variance sought for property at 258 Staples Avenue.

Date of decision	May 5, 1993
Appeal period ended	May 17, 1993
Request for jurisdiction	May 18, 1993

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 to GRANT jurisdiction. Ms. Magdangal has 10 days to file an appeal.

SPEAKER: Gladys Magdangal, requestor.

ITEM B: Letter from Emma R. Corrales and Xiomara C. Olano, requesting that the Board take jurisdiction over Building Permit Application No. 9111384S to alter a building at 525 Rockdale Drive.

Date issued	April 29, 1993
Appeal period ended	May 14, 1993
Request for jurisdiction	May 19, 1993

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 9, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 4-0 to GRANT jurisdiction. Ms. Corrales and Olano have 15 days to file an appeal.

SPEAKER: Xiomara C. Olano, requestor.

REQUEST FOR REHEARING:

ITEM C: Letter from Robert Passmore, Zoning Administrator for Department of City Planning, requesting rehearing of Appeal No. 93-048, 46 West Portal Avenue. Upon motion by President Eisenberg, the Board vote 4-1 (Commissioner Felzer dissented) to OVERRULE the department and the GRANT the permit with a six month probation and the CONDITION that live music shall be prohibited. President Eisenberg stated that this decision has no precedent value and is based solely on the unique facts of the case.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to DENY the request for rehearing with additional findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Jeffrey Barker, attorney for S.F.P.D. Ms. Shue Mei Lee was present but did not speak.

APPEAL NO. V93-060

(3) WALTER & ALICE LOO, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on
[September 29, 1992, to William
[A. Gravitt, Parking and Exposure
[Variances and Rear Yard Modifi-
[cation for property located at
[2185 - 2193 Market Street.
[VARIANCE CASE NO. 91.252V.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and GRANT the variance with the CONDITION that the usage at the ground floor level shall exclude restaurants, video rental stores, mailbox stores and general and specialty grocery stores for ten years with findings prepared by attorney for variance holder to be ADOPTED on July 7, 1993.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Sue Hestor, attorney for appellants; Michael Klinkenberg and Marianne Miller, in opposition to the project; William Gravitt, variance holder; Rick Judd, attorney for variance holder; Dan Vanderpreme, Richard Schulist, Neil Koris, in favor of the project; Jeremy Kotas, architect for variance holder; and Scott Brasfield, of A.I.A.

The Board recessed from 7:28 to 7:38 p.m.

APPEAL NO. 92-249

- (4) JUSTINIANO J. GOMEZ, dba
"MANGO SAN MIGUEL", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on December 2, 1992,
[of Peddler-Fruit Permit
[to operate in front of
[2475 Mission Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 4-0 to OVERRULE the department and GRANT the permit with the CONDITION that the cart be located at 3191 - 21st Street for sale of prepared mango products only and that the immediate area of the cart be kept clear of litter.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Jerry Klein, agent for appellant; and Sharon Sloane, in opposition.

APPEAL NO. 93-044

- (5) ALAN R. ESQUIBEL, Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Suspension on March 4, 1993,
[of Driver Public Vehicle
[permit dba "City Cab Company".
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 to UPHOLD the department and SUSTAIN the suspension with the CONDITION that the appellant seek two sessions of psychological counseling within 60 days and a total of four sessions within 90 days.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Mari Osuna and Sharon Sloane, in support of the department; and Alan Esquibel, appellant.

Items 6 and 7 were considered together by the Board with no opposition from the departments or public.

APPEAL NO. 93-063

- (6) JOHN MCNEILL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on April
[2, 1993, for work done
[at 1355 Market Street.
[APPLICATION NO. 9300250.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$134.55 for a total of \$269.10.

SPEAKERS: None.

APPEAL NO. 93-043

- (7) ANDY FORREST, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Imposition of Penalty on
[March 4, 1993, for work done
[at 2038 - 2042A Leavenworth St.
[APPLICATION NO. 9301219.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$517.08 for a total of \$1,034.16.

SPEAKERS: None.

APPEAL NO. 93-069

- (8) JOSE CHAPARRO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Appealing for Refund of Penalty
[imposed on March 31, 1993, for
[work done at 3201 Mission Street.
[APPLICATION NO. 9221412.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by letter dated June 8, 1993.

APPEAL NO. 93-068

- (9) ALEXANDER BLAU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL
- [Denial on April 14, 1993, of
[permit to Alter a Building at
[2590 Sacramento Street.
[APPLICATION NO. 9221857.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and DENY the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Steven Blau, appellant's son; and Alexander Blau, appellant.

The Board recessed from 9:10 to 9:17 p.m.

APPEAL NO. 93-047

- (10) PATRICIA A. McCOLM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Protesting issuance on
[March 6, 1993, to Westwood
[Park Association, permit
[to remove one tree on the
[median island adjacent to
[580 Miramar Avenue.
[ORDER NO. 161,609.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (President Eisenberg and Commissioner Alba dissented) to UPHOLD the department and GRANT the permit.

SPEAKERS: Dan McKenna, Staff Arborist for Department of Public Works; Patricia McColm, appellant; Kenneth Meyer, arborist for appellant; Anita Theoharis, President of Westwood Homeowners Association; Joe Howard, arborist for permit holder; Linda Kalimowski, Michael Moylan, Barbara Holmen, Connie Guglielmo, in support of permit holder.

APPEAL NO. 93-061

(11) CHRIS FERRIGNO & MARTIN BOURNESQUE, [Protesting issuance on
Appellants, [March 23, 1993, to Robert
vs. [Glazier, permit to Erect a
DEPT. PUBLIC WORKS, Respondent [Building at 3987 - 3989
CITY PLANNING APPROVAL [26th Street.
[APPLICATION NO. 9121517.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and GRANT the permit with findings and the CONDITION that the parapet be reduced to 30" with a 12" Code complying railing.

SPEAKERS: Chris Ferrigno and Martin Bournonesque, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Robert Glazier, permit holder.

APPEAL NO. 93-064

(12) JUDITH KAMINSKY, Appellant [Protesting issuance on
vs. [March 24, 1993, to Masato
DEPT. PUBLIC WORKS, Respondent [and Michel Inaba, permit
CITY PLANNING APPROVAL [to Alter a Building at
[1109 Oak Street.
[APPLICATION NO. 9302799.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and GRANT the permit with findings.

SPEAKERS: Judith Kaminsky, appellant; Ed Dingillian, attorney for appellant; Wayne Korn and Patricia Vaughney, in opposition to the project; Herman Gallegos, permit holder; and Gordon Lau, attorney for permit holders.

APPEAL NO. 93-067

(13) ED SUE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated April 6, 1993 that demolition of the building at 1129 - 1131 Stockton Street is not permitted by Section 812.396 of the Planning Code for the reason it contains a residential unit and is in the Chinatown Residential Neighborhood Commercial District.
[CONDITIONAL USE APPL. NO. 92.708C.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRIDE the department with findings and allow the demolition with the CONDITION that the new structure shall have a replacement dwelling unit of equal size to the existing one.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Ed Sue, appellant.

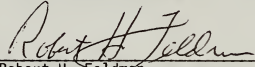
(14) Commissioners' Questions and Comments.

SPEAKERS: None.

(15) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Patricia Vaughey invited Board members to a seminar on how to save Unreinforced Masonry Buildings.

There being no further business, President Eisenberg adjourned the meeting at 11:57 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 16, 1993
5:30 P.M., CITY HALL, ROOM 282

PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Wayne Alba, Ike Felzer and Juanita Owens.

William Schock, Senior Building Inspector for Bureau of Building Inspection;
and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

None.

APPEAL NO. 93-076

- (3) PENNY DUNN, dba "CIUDAD DE LOS NINO DE SALAMANCA, INC., Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on April 8, 1993, of
[Second Hand Dealer permit at
[4760 Mission Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Penny Dunn, appellant; and Arturo Martinez, Pedro Garcia, Dave Sahagun, Sal Sahagun, in support of appellant.

Items 4, 5, and 6 were considered together by the Board with no opposition from the departments or public.

APPEAL NO. 93-070

- (4) JON K. ENGELKEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[April 14, 1993, for work done
[at 499 Alabama Street.
[APPLICATION NO. 9303269.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 16, 1993 (cont'd.)

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee for work totaling \$900.00.

APPEAL NO. 93-074

- (5) JERRY HETTINGER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Appealing for Refund of Penalty
[imposed on April 18, 1993, for
[work done at 555 DeHaro Street.
[APPLICATION NO. 9302673.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee for work totaling \$5,000.00.

APPEAL NO. 93-077

- (6) MATTHEW J. McNAUGHTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Appealing for Refund of Penalty
[imposed on April 22, 1993, for
[work done at 407 Holloway Ave.
[APPLICATION NO. 9303062.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$134.55 for a total of \$269.10.

APPEAL NO. 93-105

- (7) JOCELYNE GILBERT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on May 13,
[1993, to Charles Breidinger,
[permit to Demolish a Building
[at 772 - 8th Avenue.
[APPLICATION NO. 9222365.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing.

The Board recessed from 7:15 to 7:35 p.m.

Items (8A), (8B) and (8C) were heard together

APPEAL NO. 93-066

- (8A) RICHARD A. MARTZ, Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent
- [Protesting issuance on
[April 5, 1993, to Joseph
[L. Jurkan, dba "The Mother-
[lode", Dancehall Keeper,
[Place of Entertainment and
[Mechanical Amusement Device
[permits at 1217 Sutter Street.
[FOR HEARING TODAY.

APPEAL NO. 93-071

REVEREND WILLIAM M. HANLIN, Appellant
(8B) vs.
S. F. POLICE DEPARTMENT, Respondent

[Protesting issuance on
[April 5, 1993, to Joseph
[L. Jurkan, dba "The Mother-
[lode", Dancehall Keeper,
[Place of Entertainment and
[Mechanical Amusement Device
[permits at 1217 Sutter Street.
[FOR HEARING TODAY.

APPEAL NO. 93-072

ROBERT HUTCHINSON, Appellant
(8C) vs.
S. F. POLICE DEPARTMENT, Respondent

[Protesting issuance on
[April 5, 1993, to Joseph
[L. Jurkan, dba "The Mother-
[lode", Dancehall Keeper,
[Place of Entertainment and
[Mechanical Amusement Device
[permits at 1217 Sutter Street.
[FOR HEARING TODAY.

ACTION:

After discussion, upon motion by Commissioner Owens, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and GRANT the permit with findings and the CONDITIONS imposed by the Police Department and the additional CONDITIONS that the Police establish a 24-hour contact officer so that neighbors have a place to complain if they are disturbed by the use and the Board clarifies that the condition requiring a 10B officer be for the life of the use and not just during the probation period.

SPEAKERS:

Jeffrey Barker, attorney for S.F.P.D.; Reverend William Hanlin, Robert Hutchinson, Richard Martz, appellants; Meriel Lindley, attorney for permit holder; Gary Zodrow, Rebecca Shea, Deborah Austin, Betty Lee, Robert Garcia, Arch Monson, Brendan Murphy, John Edwards, Margaret Niegel, Richard Pearson, Steven Lothrop, in opposition to the project; Joseph Jurkan, permit holder; Sergeant Mike Lawson, Officer Dave Herman and Inspector Richard Atkins, S.F.P.D.; Virginia Conley, Mark Gilpin, Kiki Whitlock, Joe Barlow, Victoria Schneider, Jennifer Howard, Dennis Hale, in favor of the project.

(9) Commissioners' Questions and Comments.

SPEAKER:

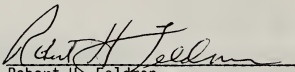
President Eisenberg reported on his discussion with Louise Renne about the lawsuit filed by Department of City Planning against the Board in the billboard variance appeal at 2566 Bayshore, Appeal No. V92-255. He asked that an executive session be scheduled before the next meeting for discussion of this matter with the City Attorney's Office.

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 16, 1993 (cont'd.)

(10) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 9:27 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 7, 1993

5:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer, Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) EXECUTIVE SESSION (CLOSED TO PUBLIC)

The Board of Permit Appeals met in Room 282 in executive session (closed to the public) and discussed the pending litigation as follows with a representative of Baker and McKenzie in compliance with California Government Code Section 54956.9(a).

Superior Court Case No. 952391
City and County of San Francisco vs. Board of Permit Appeals
Variance Case No. 93.369V
2566 Bayshore Blvd. (two billboards)
BPA Appeal No. V92-255 (decided February 24, 1993)

ACTION: The Board voted unanimously to accept Baker and McKenzie's offer to represent the Board in the matter above which has been appealed to the Superior Court.

SPEAKERS: Steven Atkinson, Baker & McKenzie and Jim Reuben of Reuben & Cera.

(2) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Tom Watson of the 942 Divisadero Homeowners Association requesting that the Board take jurisdiction over penalty imposed for work done at 942 Divisadero Street.

Date penalty imposed
Appeal period ended
Request for jurisdiction

May 19, 1993
June 3, 1993
June 28, 1993

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 7, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to GRANT jurisdiction. Mr. Watson has 15 days to file an appeal.

SPEAKER: Tom Watson, appellant.

REQUEST FOR REHEARING:

ITEM B: Letter from Patricia McColm, requesting rehearing of Appeal No. 93-047, removal of tree on median adjacent to 580 Miramar Avenue. Upon motion by Commissioner Felzer, the Board voted 2-2 (President Eisenberg and Commissioner Alba dissented, Commissioner Owens absent) to UPHOLD the department and SUSTAIN the order.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: Stephen C. Theoharis, attorney for order holder; and Patricia McColm, appellant.

REQUEST FOR CLARIFICATION OF PRIOR DECISION: APPEAL NOS. 88-293, 88-294 & 88-295.

ITEM C: Letter from Michael J. Burke, attorney for Adiuvara-Invest, Inc., former permit holders for three permits for a multi-family residential project at 959 Powell and 8 Wetmore, requesting clarification of the Board's decision of June 5, 1991 and requesting that the Board ask the Superior Court to modify the writ it issued on June 25, 1990 so that the Court's directions will comply with state law and city ordinances.

BPA disapproved permits on March 1, 1989.

Superior Court remanded on June 25, 1990 for an E.I.R.

BPA held hearing to establish scope of E.I.R. on June 5, 1991.

[E.I.R. has not yet been prepared.]

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 3-2 (Vice President Bradstreet and Commissioner Owens dissented) to GRANT the request and to ask the City Attorney's Office to request a clarification from the Superior Court of the order dated June 25, 1990 as to what governs the Board's power to scope the E.I.R. required for this project.

SPEAKERS: Michael Burke, attorney for property owner and Haig Mardikian, property owner for the request; Barbara Sahm, Department of City Planning; and Judith Boyajian, Deputy City Attorney and Sue Hestor, attorney for tenants, and Gordon Chin, Alice Carey, Wilson Yim, Chang Bo Yen, Paul Fisher, Terese Law, Enid Lim, Herbert Yanowitz, Wei Ching Wong, Gen Fujioka Joseph Kaufman, and Reverend Norman Fong in opposition to the request.

ADOPTION OF FINDINGS:

ITEM D: Appeal No. V93-060, 2185 - 2193 Market Street. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and GRANT the variance with the CONDITION that the usage at the ground floor level shall exclude restaurants, video rental stores, mailbox stores and general and specialty grocery stores for ten years with findings prepared by attorney for variance holder.

ACTION: CONTINUED prior to hearing to July 14, 1993 at request of attorney for permit holder.

APPEAL NO. 93-125

(4) SHINDUK CHANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 29, 1993, for work
[done at 674 - 35th Avenue.
[APPLICATION NO. 9216066.
[FOR HEARING TODAY.

ACTION: Upon motion by President Eisenberg, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$199.55 for a total of \$399.10.

SPEAKERS: None. (The appellant was present.)

Items (5A), (5B) and (5C) were heard together

APPEAL NO. 93-005

(5A) GEORGE J. GROVER, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1993, to
[Denis O'Riordan, permit
[to Demolish a Building
[at 870 North Point Street.
[APPLICATION NO. 9200358.
[FOR REHEARING TODAY.

APPEAL NO. 93-006

(5B) GEORGE J. GROVER, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1993, to
[Denis O'Riordan, permit
[to Erect a Building at
[870 North Point Street.
[APPLICATION NO. 9200357S.
[FOR REHEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 7, 1993 (cont'd.)

APPEAL NO. 93-009

(5C) PAUL J. RIEHLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1993, to
[Denis O'Riordan, permit
[to Erect a Building at
[870 North Point Street.
[APPLICATION NO. 9200357S.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 5-0 to UPHOLD the department and GRANT the permits with the CONDITIONS as recommended by the A.I.A., and with the additional CONDITION that the plans be revised to lower the rear of the building with ceiling heights reduced to eight feet.

SPEAKERS: Steve Roland, attorney for Paul Riehle; George Grover, appellant; Daniel Rolfs, Ted Kipping, Alfred Harrison, in opposition to the project; Alice Barkley, attorney for permit holder; and Marie Howard, Ken Howard, Larry Costello, Joe O'Donoghue, in favor of the project.

Items (6A) and (6B) were heard together

APPEAL NO. 93-083

(6A) MARILYN WILEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 22, 1993, A. & E. Laub,
[permit to Alter a Building
[at 1948 Pacific Avenue.
[APPLICATION NO. 9304112.
[FOR HEARING TODAY.

APPEAL NO. 93-103

(6B) MARILYN WILEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 20, 1992 to A. & E.
[Laub, permit to Alter a Building
[at 1948 Pacific Avenue.
[APPLICATION NO. 9220380.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permits with the CONDITION that rustic siding be used and lattice work installed below the decks so that the plants can breathe.

SPEAKERS: Marilyn Wiley, appellant; and Andy Forrest, architect for permit holder.

APPEAL NO. 93-107

(7) NORTHWEST BERNAL BLOCK CLUB,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March
[16, 1993, to Monica Hujazi,
[permit to Alter a Building
[at 3201 Mission Street.
[APPLICATION NO. 9221412.
[FOR HEARING TODAY.

ACTION:

After discussion, upon motion by Commissioner Owens, the Board voted 1-3 (President Eisenberg, Vice President Bradstreet, Commissioner Alba dissented, Commissioner Felzer absent) to overrule the department and revoke the permit. Then on motion by President Eisenberg, the Board voted 4-0 (Commissioner Felzer absent) to UPHOLD the department and GRANT the permit with the following CONDITIONS:

1. Hours of operation of this check cashing business shall be limited to the period from 9:00 a.m. to 8:00 p.m.
2. The permit holder shall employ an armed uniformed guard on the premises for the first and last hours of operation.
3. The permit holder shall contribute on a pro-rata basis with others of the neighborhood to pay for parameter patrols in the neighborhood.
4. The permit holder shall consult with the Zoning Administrator on the signage for this check cashing business and the sign permits shall be subject to the approval of the Zoning Administrator.
5. The permit holder shall be required to require identification for checks cashed and shall keep a record of all transactions and receipts and shall microfilm all transactions.
6. The permit holder shall be limited to provide only those services described by him to the Board as financial services and shall not engage in paging or beeper services in this location.
7. The permit holder shall make good faith efforts to employ people from the Bernal Heights area.
8. The permit holder shall provide the nearest Police Station with a name and telephone number for a contact person who can be reached at all times in the event of neighborhood problems.
9. The permit holder agrees to mediate any disputes with the neighbors.
10. The occupancy of the subject property by the subject check cashing business shall be permitted so long as these conditions are complied with and may be subject to suspension or revocation after all required hearings and procedures in the event they are violated.

SPEAKERS:

Charles Bolton, appellant; Judith Boyajian, Deputy City Attorney; Susan Tobin, Calvin Chow, Joe Pocco, Marja Majarovich, Patty Plantz, Miki Saxon, Kevin Nelson, Sheila Mahoney, Joseph Lichtenstein, Gus Amador, John Ficella, May Masunaga, Mike Kelly, Scott Alden, Yari Zordallal, Stacy Turner, Richard Tanner, Victoria Vede, Catherine Christy, Don Huntly, Tina Corse, Garrett Turner, in opposition to the project; Lee Woods, agent for permit holder; and Jose Chaparro, permit holder.

(8) Commissioners' Questions and Comments.

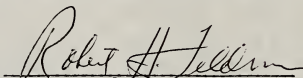
SPEAKERS: None.

(9) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 7, 1993 (cont'd.)

There being no further business, President Eisenberg adjourned the meeting at 1:31 a.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

SF
MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 21, 1993

5:30 P.M., CITY HALL, ROOM 282

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1-21-93
PRESENT: President Neil Eisenberg, Commissioners Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney, and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Vice President Angela Bradstreet and Commissioner Ike Felzer.

(1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. V93-060, 2185 - 2193 Market Street. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and GRANT the variance with the CONDITION that the usage at the ground floor level shall exclude restaurants, video rental stores, mailbox stores and general and specialty grocery stores for ten years with findings prepared by attorney for variance holder.

ACTION: CONTINUED prior to hearing to August 4, 1993.

REQUEST FOR JURISDICTION OF UNWRITTEN DETERMINATION BY THE ZONING ADMINISTRATOR:

ITEM B: Letter from M. Brett Gladstone, attorney for the Committee to Save Poppy Lane, requesting that the Board take jurisdiction over the Zoning Administrator's unwritten determination that Poppy Lane, Assessor's Block 6713, Lots 51, 55 and 56, are buildable lots.

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 21, 1993 (cont'd.)

APPEAL NO. V93-025

- (3) LOURDES SAINZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Conditions of
[Off-Street Parking Variance
[sought for property located
[at 957 - 959 Alabama Street.
[VARIANCE CASE NO. 92.542V.
[FOR FURTHER REHEARING TODAY.

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

APPEAL NO. 93-091

- (4) CHARLIE ERAZO, dba "EL PADRINO
BAR", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on April 30, 1993, of
[Mechanical Amusement Device
[permit at 4541 Mission Street.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

APPEAL NO. 93-031

- (5) ELIZABETH MA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on February
[24, 1993, for work done
[at 172 Raymond Avenue.
[PLUMBING PERMIT NO. 303642.
[FOR HEARING TODAY.

ACTION: CONTINUED for further hearing to August 4, 1993 with agreement of parties.

SPEAKERS: Elizabeth Ma, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-078

- (6) HELENE MANHEIM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on April
[22, 1993, for work done
[at 220 Surrey Street.
[APPLICATION NO. 9303682.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to August 11, 1993 with agreement of parties.

APPEAL NO. 93-095

- (7) FOOK H. FONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 11, 1993, for work
[done at 1235 Hyde Street.
[APPLICATION NO. 9215430.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 21, 1993 (cont'd.)

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

APPEAL NO. 93-088

- (8) MAIA KRACHE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[April 22, 1993, to Sirhed
[Bassem, permit to Alter a
[Building at 465-469 Castro St.
[APPLICATION NO. 9216599S.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by letter dated July 19, 1993.

APPEAL NO. 93-092

- (9) EDWARD & KATHLEEN ANDERSON,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[April 23, 1993, to Mark Shafiee,
[permit to Alter a Building
[at 55 Dorantes Avenue.
[APPLICATION NO. 9219824.
[FOR HEARING TODAY.

ACTION: CONTINUED to CALL OF THE CHAIR pending agreement with appellant and permit holder.

SPEAKERS: Edward Anderson, appellant; and Helen Lam, architect for permit holder.

APPEAL NO. 93-029

- (10) ALICE R. LANE, CONSERVATOR FOR
ELIZABETH JAMERSON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Denial by the Zoning Adminis-
[trator on February 8, 1993, of
[alteration permit application
[to expand a ground-story Non-
[conforming Commercial Use (retail
[store) in violation of Section
[181(a) of the City Planning
[Code for property located at
[1592 - 1594 Golden Gate Avenue.
[APPLICATION NO. 9119581.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to August 11, 1993 with agreement of parties.

APPEAL NO. 93-093

- (11) S.F. CAMPUS CHRISTIAN CENTERS,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Determination by the Zoning
[Administrator dated April 30,
[1993 requiring the Ecumenical
[House at 190 Denslowe Drive
[to obtain Conditional Use
[Authorization to establish
[legal use as a church with an
[accessory restaurant.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 21, 1993 (cont'd.)

ACTION: CONTINUED for further hearing to August 25, 1993 with agreement of parties.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Thomas Thompson, Bill Schneider, Anthony M. Pereira, Henry Ortiz, Marshall Sanders, Ronald Stovitz, Shirley M. Eng, Bob Larsen, in opposition; Richard Warren, attorney for appellant; Reverends Roger Ridgeway, Charles Lawson, Penny Nixon, in favor of appellant.

(12) Commissioners' Questions and Comments.

SPEAKERS: None.

(13) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 7:47 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 21, 1993
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Neil Eisenberg, Commissioners Wayne Alba and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Vice President Angela Bradstreet and Commissioner Ike Felzer.

(1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. V93-060, 2185 - 2193 Market Street. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and GRANT the variance with the CONDITION that the usage at the ground floor level shall exclude restaurants, video rental stores, mailbox stores and general and specialty grocery stores for ten years with findings prepared by attorney for variance holder.

ACTION: CONTINUED prior to hearing to August 4, 1993.

REQUEST FOR JURISDICTION OF UNWRITTEN DETERMINATION BY THE ZONING ADMINISTRATOR:

ITEM B: Letter from M. Brett Gladstone, attorney for the Committee to Save Poppy Lane, requesting that the Board take jurisdiction over the Zoning Administrator's unwritten determination that Poppy Lane, Assessor's Block 6713, Lots 51, 55 and 56, are buildable lots.

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 21, 1993 (cont'd.)

APPEAL NO. V93-025

- (3) LOURDES SAINEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Conditions of
Off-Street Parking Variance
sought for property located
at 957 - 959 Alabama Street.
VARIANCE CASE NO. 92.542V.
FOR FURTHER REHEARING TODAY.

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

APPEAL NO. 93-091

- (4) CHARLIE ERAZO, dba "EL PADRINO
BAR", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on April 30, 1993, of
Mechanical Amusement Device
permit at 4541 Mission Street.
FOR HEARING TODAY.

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

APPEAL NO. 93-031

- (5) ELIZABETH MA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
Penalty imposed on February
24, 1993, for work done
at 172 Raymond Avenue.
PLUMBING PERMIT NO. 303642.
FOR HEARING TODAY.

ACTION: CONTINUED for further hearing to August 4, 1993 with agreement of parties.

SPEAKERS: Elizabeth Ma, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-078

- (6) HELENE MANHEIM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on April
22, 1993, for work done
at 220 Surrey Street.
APPLICATION NO. 9303682.
FOR HEARING TODAY.

ACTION: CONTINUED at hearing to August 11, 1993 with agreement of parties.

APPEAL NO. 93-095

- (7) FOOK H. FONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
May 11, 1993, for work
done at 1235 Hyde Street.
APPLICATION NO. 9215430.
FOR HEARING TODAY.

ACTION: CONTINUED at hearing to August 4, 1993 with agreement of parties.

APPEAL NO. 93-088

- (8) MAIA KRACHE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[April 22, 1993, to Sirhed
[Bassem, permit to Alter a
[Building at 465-469 Castro St.
[APPLICATION NO. 9216599S.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by letter dated July 19, 1993.

APPEAL NO. 93-092

- (9) EDWARD & KATHLEEN ANDERSON,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[April 23, 1993, to Mark Shafiee,
[permit to Alter a Building
[at 55 Dorantes Avenue.
[APPLICATION NO. 9219824.
[FOR HEARING TODAY.

ACTION: CONTINUED to CALL OF THE CHAIR pending agreement with appellant and permit holder.

SPEAKERS: Edward Anderson, appellant; and Helen Lam, architect for permit holder.

APPEAL NO. 93-029

- (10) ALICE R. LANE, CONSERVATOR FOR
ELIZABETH JAMERSON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Denial by the Zoning Adminis-
[trator on February 8, 1993, of
[alteration permit application
[to expand a ground-story Non-
[conforming Commercial Use (retail
[store) in violation of Section
[181(a) of the City Planning
[Code for property located at
[1592 - 1594 Golden Gate Avenue.
[APPLICATION NO. 9119581.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to August 11, 1993 with agreement of parties.

APPEAL NO. 93-093

- (11) S.F. CAMPUS CHRISTIAN CENTERS,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Determination by the Zoning
[Administrator dated April 30,
[1993 requiring the Ecumenical
[House at 190 Denslowe Drive
[to obtain Conditional Use
[Authorization to establish
[legal use as a church with an
[accessory restaurant.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 21, 1993 (cont'd.)

ACTION: CONTINUED for further hearing to August 25, 1993 with agreement of parties.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Thomas Thompson, Bill Schneider, Anthony M. Pereira, Henry Ortiz, Marshall Sanders, Ronald Stovitz, Shirley M. Eng, Bob Larsen, in opposition; Richard Warren, attorney for appellant; Reverends Roger Ridgeway, Charles Lawson, Penny Nixon, in favor of appellant.

(12) Commissioners' Questions and Comments.

SPEAKERS: None.

(13) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Eisenberg adjourned the meeting at 7:47 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 4, 1993
5:30 P.M., CITY HALL, ROOM 282

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5F P30 #3 8/4/93
PRESENT: President Neil Eisenberg, Vice President Angela Bradstreet, Commissioners Ike Felzer and Wayne Alba.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Juanita Owens.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: President Eisenberg announced that he will be resigning on Friday to run for City Attorney.

Vice President Bradstreet thanked President Eisenberg for serving on the Board on behalf of the other Commissioners.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS:

ITEM A: Appeal No. V93-060, 2185 - 2193 Market Street. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and GRANT the variance with the CONDITION that the usage at the ground floor level shall exclude restaurants, video rental stores, mailbox stores and general and specialty grocery stores for ten years with findings prepared by attorney for variance holder.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to ADOPT amended findings.

SPEAKERS: Sue Hestor, attorney for appellant; Robert Passmore, Zoning Administrator; and Richard Judd, attorney for variance holder.

REQUEST FOR JURISDICTION OF UNWRITTEN DETERMINATION BY THE ZONING ADMINISTRATOR:

ITEM B: Letter from M. Brett Gladstone, attorney for the Committee to Save Poppy Lane, requesting that the Board take jurisdiction over the Zoning Administrator's unwritten determination that Poppy Lane, Assessor's Block 6713, Lots 51, 55 and 56, are buildable lots.

MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 4, 1993 (cont'd.)

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to GRANT the request for jurisdiction. Mr. Gladstone has 10 days to file an appeal.

SPEAKERS: M. Brett Gladstone, requestor; and Robert Passmore, Zoning Administrator for Department of City Planning.

REQUESTS FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Peter L. Dwares, requesting that the Board take jurisdiction over Building Permit Application No. 9118238S to erect a structure at 112 Alta Street.

Date permit issued	June 25, 1992
Appeal period ended	July 10, 1992
Request for jurisdiction	July 22, 1993

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 3-0 (Vice President Bradstreet was recused because her firm represents the permit holder) to DENY the request for jurisdiction.

SPEAKERS: Peter Dwares, requestor; and Gail Switzer, permit holder.

ITEM D: Letter from Robert Riddell, requesting that the Board take jurisdiction over denial of Building Permit Application No. 9307557 to construct an electronic display unit at 1600 Van Ness Avenue.

Date permit denied	June 24, 1993
Appeal period ended	July 9, 1993
Request for jurisdiction	July 27, 1993

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 3-1 (President Eisenberg dissented) to grant jurisdiction. Four votes are needed and the motion failed. On motion by President Eisenberg, the Board voted 4-0 to RESCIND the first vote and to CONTINUE the matter to the next meeting for a vote by the full Board. Commissioner Alba withdrew his original motion.

SPEAKERS: Paul Slavin, for requestor; and Robert Passmore, Zoning Administrator for Department of City Planning.

REQUEST FOR REHEARING:

ITEM E: Letter from Sue Hestor, attorney for appellants, requesting rehearing of Appeal Nos. 88-293 - 88-295, 959 Powell & 8 Wetmore Streets. Hearing July 7, 1993. Upon motion by President Eisenberg, the Board voted 3-2 (Vice President Bradstreet and Commissioner Owens dissented) to GRANT the request and to ask the City Attorney's Office to request a clarification of the order dated June 25, 1993 from the Superior Court as to what governs the Board's power to scope the E.I.R. required for this project.

MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 4, 1993 (cont'd.)

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 2-2 (Vice President Bradstreet and Commissioner Felzer dissented) to DENY the request for rehearing.

SPEAKERS: Sue Hestor, attorney for appellant; Michael Burke, attorney for property owner; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. V93-025

(3) LOURDES SAINIZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Conditions of
[Off-Street Parking Variance
[sought for property located
[at 957 - 959 Alabama Street.
[VARIANCE CASE NO. 92.542V.
[FOR FURTHER REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 4-0 to OVERRIDE the Zoning Administrator's condition requiring the creation of an off-street parking space and imposing four conditions with the approval.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Ed Lopez, agent for appellant.

The Board recessed from 7:05 to 7:23 p.m.

APPEAL NO. V92-230

(4) CHRISTOPHER LEVESQUE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 16, 1992,
[of Off-Street Parking Variance
[sought for property located
[at 622 Douglass Street.
[VARIANCE CASE NO. 92.134V.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRIDE the department and GRANT the variance with findings and to allow the unit without off-street parking. The letter submitted by Mr. Klein was adopted as findings to support the decision.

SPEAKERS: Jerry Klein, agent for appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 93-091

(5) CHARLIE ERAZO, dba "EL PADRINO
BAR", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on April 30, 1993, of
[Mechanical Amusement Device
[permit at 4541 Mission Street.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 4, 1993 (cont'd)

ACTION: Upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department and GRANT the permit.

SPEAKERS: None.

APPEAL NO. 93-031

(6) ELIZABETH MA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on February
[24, 1993, for work done
[at 172 Raymond Avenue.
[PLUMBING PERMIT NO. 303642.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$1,000.00 with the finding that the appellant's testimony that she did the remodeling work herself was not credible.

SPEAKERS: None. Elizabeth Ma, appellant and William Schock, Senior Building Inspector for Bureau of Building Inspection, had spoken at the hearing on July 21, 1993.

APPEAL NO. 93-095

(7) FOOK H. FONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 11, 1993, for work
[done at 1235 Hyde Street.
[APPLICATION NO. 9215430.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Fook H. Fong, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-096

(8) GULAM NABI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 18, 1993, for work done
[at 617 - 619 Minna Street.
[APPLICATION NO. 9303300.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Gulam Nabi, appellant; Robert Swanson, architect; William Schock, Senior Building Inspector of Bureau of Building Inspection; and Anthony Brousky in favor of the appellant.

APPEAL NO. 93-097

(9) ALLEN C. HAILE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
May 19, 1993, for work done
at 156 Palm Avenue.
APPLICATION NO. 9303724.
FOR HEARING TODAY.]

ACTION: ADMINISTRATIVELY WITHDRAWN per William Schock, Senior Building Inspection, who said the Bureau would withdraw the entire penalty.

SPEAKER: William Schock, Senior Building Inspector for Bureau of Building Inspection. The appellant was present but did not speak.

APPEAL NO. 93-098

(10) DARRYL BISHOP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on May 9,
1993, for work done at
1782 Palou Avenue.
APPLICATION NO. 9100838.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to a total of \$70.00.

SPEAKERS: Darryl Bishop, appellant; and William Schock, Senior Building Inspector.

APPEAL NO. 93-101

(11) LIZA VOLANSKY, Appellant
vs.
DEPT. PUBLIC WORK, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
imposed on May 26, 1993, for
work done at 1638 - 25th Avenue.
APPLICATION NO. 9220091.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$199.55 for a total of \$399.10.

SPEAKERS: Jorge Hernandez, architect for appellant; Liza Volansky, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-058

(12) TAMAR AND EMANUEL MACABI, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
March 17, 1993, to Interna-
tional Bank of California,
permit to Alter a Building
at 2122 - 26th Avenue.
APPLICATION NO. 9222177.
FOR HEARING TODAY.]

ACTION: CONTINUED to August 11, 1993 prior to hearing at request of attorney for appellant.

APPEAL NO. 93-100

(13) MICHAEL FEDERLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 10, 1993, to Thomas Leyden,
[permit to Erect a Structure
[at 1288 Stanyan Street.
[APPLICATION NO. 9001861S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Eisenberg, the Board voted 4-0 to UPHOLD the department and GRANT the permit. The appellant did not appear.

SPEAKERS: David McCarville, attorney for prior owner, Mrs. Hurley, in support of permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and William Heijn, architect for permit holder.

APPEAL NO. V92-260

(14) PAUL KERNICH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 21, 1992,
[of Minimum Lot Frontage, Rear
[Yard and Usable Space Variances
[sought for property located
[at 4621-25 - 18th Street.
[VARIANCE CASE NO. 92.189V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Bradstreet, the Board voted 4-0 to OVERRIDE the department with findings and the following CONDITIONS: (1) The existing side yard shall be maintained at 3½' minimum for use by pedestrians. (2) Both buildings shall be brought into compliance with the health and safety requirements of the City's Codes. (3) There shall be no horizontal or vertical expansion of either building without the approval by the Zoning Administrator or additional variance applications by the owner. (4) The smaller building at the rear of the existing lot shall be retained as a one-family house and shall not be converted into a two-family house. (5) The exceptional open space on this lot shall be kept available at all times to the residents and occupants of these two buildings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Paul Kernich, appellant.

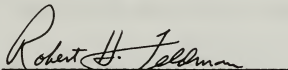
(15) Commissioners' Questions and Comments.

SPEAKERS: None.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan thanked Neil Eisenberg for his service on the Board on behalf of the herself and the citizens of the City.

There being no further business, President Eisenberg adjourned the meeting at 9:28 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

TUESDAY, AUGUST 17, 1993

5:30 P.M., CITY HALL, ROOM 2C (BASEMENT)

PRESENT: President Angela Bradstreet, Commissioners Wayne Alba, Douglas Chan, Ike Felzer and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

President Bradstreet welcomed Commissioner Douglas Chan, who was appointed by the Mayor on August 16, 1993, to the Board.

(1) Election of Vice President.

Upon motion by President Bradstreet and second by Commissioner Owens, the Board voted 5-0 to elect Commissioner Alba Vice President. President Bradstreet and Vice President Alba will serve until the next regular election of officers on January 19, 1994.

(2) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

(3) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Robert Riddell, requesting that the Board take jurisdiction over denial of Building Permit Application No. 9307557 to construct an electronic display unit at 1600 Van Ness Avenue.

Date permit denied
Appeal period ended
Request for jurisdiction

June 24, 1993
July 9, 1993
July 27, 1993

MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 17, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to GRANT jurisdiction. Mr. Riddell has fifteen days to file an appeal.

SPEAKER: Paul Slavin, for appellant.

APPEAL NO. 93-036

(4) ALL SEASONS HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated February 24, 1993 by the Zoning Administrator that the Harsch Investment Corp., dba the All Seasons Hotel, owners of the residential (group housing) and tourist hotel at 417 Stockton Street, are required to obtain conditional use authorization from the Planning Commission to convert the building to full tourist hotel use under Section 212(e) of the City Planning Code.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 3-2 (Vice President Alba and Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with amended findings.

SPEAKERS: Joseph Bravo and Andrew Zacks, attorneys for appellant; Michael St. John, Andy Chan, and Bob Jacob, in favor of appellant; Randy Shaw, Joseph Kaufman, Steve Collier, Darryl Higashi, Wai Ching Quan, Chan Bau Yan, Sue Hestor, Robin Sneyderman, John Bardis, Gen Fujioka, and Andy Luman, in favor of the department.

The Board recessed from 6:54 to 7:04 p.m.

APPEAL NO. 93-078

(5) HELENE MANHEIM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty imposed on April 22, 1993, for work done at 220 Surrey Street.
[APPLICATION NO. 9303682.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee based on \$4,500.00 worth of actual work done without permit.

SPEAKERS: None.

APPEAL NO. 93-104

- (6) LOWELL BUCKNER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Appealing for Refund of Penalty imposed on May 11, 1993, for work done at 888 Elizabeth Street. APPLICATION NO. 9016488. FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$201.83 for a total of \$403.66.

SPEAKERS: None.

APPEAL NO. 93-109

- (7) HELEN GURMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on May 28, 1993, for work done at 2354 - 38th Avenue. APPLICATION NO. 9306298. FOR HEARING TODAY.]

ACTION: Upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$264.55 for a total of \$529.10.

SPEAKERS: None.

APPEAL NO. 93-110

- (8) KEYHAN MOHANNA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on June 2, 1993, for work done at 1405 Greenwich Street. APPLICATION NO. 9220693. FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Keyhan Mohanna, appellant.

APPEAL NO. 93-058

- (9) TAMAR AND EMANUEL MACABI, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on March 17, 1993, to International Bank of California, permit to Alter a Building at 2122 - 26th Avenue. APPLICATION NO. 9222177. FOR HEARING TODAY.]

MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 17, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Rony Sagy, attorney for appellants; Don Mill, architect for appellants; Steve Whitmore, attorney for permit holder; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 93-106

(10) CELESTE WEST, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 13, 1993, to Alan Klonsky, permit to Alter a Building at 551-553 - 29th Street.
[APPLICATION NO. 9207436S.
[FOR HEARING TODAY.

ACTION: CONTINUED to September 22, 1993 prior to hearing at request of appellant.

APPEAL NO. 93-122

(11) EMMA R. CORRALES & XIOMARA C. OLANO, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on April 29, 1993, to Barbara Wheeler, permit to Alter a Building at 525 Rockdale Drive.
[APPLICATION NO. 9111384S.
[FOR HEARING TODAY.

ACTION: CONTINUED to August 25, 1993 for further hearing. The permit holder did not appear.

SPEAKERS: Xiomara Olano, appellant; and Marilyn Duffy, in opposition to the project.

APPEAL NO. 93-029

(12) ALICE R. LANE, CONSERVATOR FOR ELIZABETH JAMERSON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial by the Zoning Administrator on February 8, 1993, of alteration permit application to expand a ground-story Non-conforming Commercial Use (retail store) in violation of Section 181(a) of the City Planning Code for property located at 1592 - 1594 Golden Gate Avenue.
[APPLICATION NO. 9119581.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with findings and DENY the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Lafayette Jamerson, for appellant.

APPEAL NO. 93-089

(13) D. N. & E. WALTER & CO., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator on April 26, 1993 that Planning Code Section 155(g) standards must be applied to the subject parking lot at 560 Mission Street and that these standards are mandatory and that the Zoning Administrator/Planning Commission have flexibility only in regard to standards of other portions of the Municipal Code and the Bureau of Engineering.
[CONDITIONAL USE APPL. NO. 92.583C.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the determination of the Zoning Administrator that Section 155(g) standards of the Planning Code must be applied to the subject proposed parking lot at 560 Mission Street and that these standards are mandatory.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and James Reuben, attorney for appellant.

APPEAL NO. V93-108

(14) JOSEPH ATSUS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 18, 1993, of Off-Street Parking Variance sought for property located at 55 - 57 Sharon Street.
[VARIANCE CASE NO. 93.118V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Chan dissented) to UPHOLD the department and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and James Atsus, appellant.

(15) Commissioners' Questions and Comments.

SPEAKERS: The Executive Director described a Board rule change limiting appeal briefs to twelve (12) pages which was recommended by President Bradstreet and will be noticed for public hearing at the next meeting.

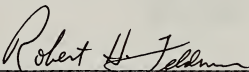
MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 17, 1993 (cont'd.)

Commissioner Felzer complimented President Bradstreet on her efficient management of the calendar as presiding officer to which Commissioner Owens heartily joined in.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 8:46 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 25, 1993

5:30 P.M., CITY HALL, ROOM 282

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8/25/93
PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Sue Hestor expressed opposition to a proposed amendment to the Board's rules limiting hearing briefs and exhibits to 12 pages each.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Michael Federle, requesting rehearing of Appeal No. 93-100, 1288 Stanyan Street. Hearing August 4, 1993. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and GRANT the permit. The appellant did not appear.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Chan dissented) to DENY the request for rehearing.

SPEAKERS: Michael Federle, appellant; and David McCarville, attorney for permit holder.

ITEM B: Letter from Sue Hestor, attorney for appellant, requesting rehearing of Appeal No. Y93-060, 2185 - 2193 Market Street. Hearing June 9, 1993. Upon motion by President Eisenberg, the Board voted 4-0 (Commissioner Owens absent) to UPHOLD the department and GRANT the variance with the CONDITION that the usage at the ground floor level shall exclude restaurants, video rental stores, mailbox stores and general and specialty grocery stores for ten years with findings prepared by attorney for variance holder.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to DENY the request for rehearing. The Board directed the Executive Director to be sure that the additional finding added at President's

MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 25, 1993 (cont'd.)

Eisenberg's recommendation are included in the findings to insure Ms. Hestor is not prejudiced in raising issues before the Planning Commission on the building permit.

SPEAKERS: Sue Hestor, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; and William Gravitt, variance holder.

ADOPTION OF FINDINGS:

ITEM C: Appeal No. 93-089, 560 Mission Street. Hearing August 17, 1993. Upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the determination of the Zoning Administrator that Section 155(g) standards of the Planning Code must be applied to the subject proposed parking lot at 560 Mission Street and that these standards are mandatory. This decision allows for the Zoning Administrator and the Planning Commission to have flexibility in regards to the implementation of these standards.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to ADOPT findings.

SPEAKERS: None.

APPEAL NO. 93-122

(3) EMMA R. CORRALES & XIOMARA C. [Protesting issuance on April
OLANO, Appellants [29, 1993, to Barbara Wheeler,
vs. [permit to Alter a Building
DEPT. PUBLIC WORKS, Respondent [at 525 Rockdale Drive.
CITY PLANNING APPROVAL [APPLICATION NO. 9111384S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Barbara and Robert Wheeler, permit holders; and Emma Corrales, appellant.

APPEAL NO. 93-093

(4) S.F. CAMPUS CHRISTIAN CENTERS, [Determination by the Zoning
Appellant [Administrator dated April 30,
vs. [1993 requiring the Ecumenical
ZONING ADMINISTRATOR, Respondent [House at 190 Denslowe Drive
[to obtain Conditional Use
[Authorization to establish
[legal use as a church with an
[accessory restaurant.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 4-1 (Commissioner Felzer dissented) to OVERRULE the Zoning Administrator's requirement that the Ecumenical House obtain Conditional Use Authorization with findings and recommendations for conditions to be attached to the building permit by the department to insure minimum impact on the neighborhood of the accessory cafe use.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Richard Warren, attorney for appellant; Reverends Lyle Grosjean, Scott Hope and Penny Nixon, in support of the appellant; David Friedenber, attorney for the neighbors in support of Zoning Administrator; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 7:38 to 7:52 p.m.

APPEAL NO. 93-073

(5) TAMAR SARKISSOFF, Appellant
vs.
ART COMMISSION, Respondent

[Suspension for three weeks
[on April 6, 1993, by S.F.
[Art Commission of Street
[Artist Certificate for violation
[of Street Artist Ordinance.
[STREET ARTIST CERT. NO. 3506.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to OVERRULE the department and remove the suspension.

SPEAKERS: Howard Lazar, Director of Street Artists Program; Tamar Sarkisoff, appellant; and Don Hesse, Human Rights Commission.

APPEAL NO. 93-084

(6) SHIH JYE SUN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[April 28, 1993, for work
[done at 730 Santiago Street.
[PLUMBING PERMIT NO. 306937.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$101.60 for a total of \$203.20.

SPEAKERS: Shih Jye Sun, appellant; and Gloria Shih, for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-112

(7) RUTH CARROLL, Appellant
vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
May 25, 1993, for work
done at 14 Roemer Way.
[APPLICATION NO. 9304212.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty. The appellant did not appear.

SPEAKERS: None.

APPEAL NO. 93-113

(8) SCOTT MOCK, Appellant
vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
May 21, 1993, for work done
at 1475 Funston Avenue.
[APPLICATION NO. 9211669.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Scott Mock, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-080

(9) JACOB MALEK-ZADEH, dba "VAL-GRIN",
Appellant

vs.
DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL

[Denial on April 14, 1993,
[of health permit application
[referral for a Small Self-
[Service Restaurant at
[925 Cole Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with findings and GRANT the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Jacob Malek-Zadeh, appellant.

APPEAL NO. 93-065

(10) SEARS STREET NEIGHBORS, Appellants
vs.

DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[March 25, 1993, to City
[Overhead Door, Inc., permit
[to Alter a Building at
[5976 Mission Street.
[APPLICATION NO. 9304889.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the following CONDITIONS:

1. No illegal uses shall be allowed, implemented, facilitated, created, or encouraged by this permit action which creates a commercial garage door opening directly onto the rear lot line of a vacant residential lot.
2. No fork lifts or similar commercial vehicles shall access this garage door via Sears Street or Lessing Street.
3. No trucks shall access this garage door for delivery, pickup or other commercial purpose via Sears Street or Lessing Street.
4. Truck parking and/or employee parking and equipment storage shall not be permitted on Lot 1 Block 7160 (20 Lessing Street) as a condition of this permit.
5. No commercial/industrial air filtration equipment shall be permitted on Lot 1 Block 7160 as a condition of this permit.
6. No storage, temporary or otherwise, or dumpsters, debris, debris boxes, supplies, stock, or others materials shall be permitted on Lot 1 Block 7160 as a condition of this permit.
7. The permit holder shall install a fence along the four sides of Lot 1 of Block 7160, known as 20 Lessing Street, which is zoned for residential use.
8. The permit holder shall eliminate the vehicular access from the business at 5976 Mission Street to Sears Street.
9. The permit holder and the owners of 20 Lessing shall comply with the Cease and Desist Order of the Zoning Administrator dated July 1, 1993.
10. The conditions shall not prejudice the ability of the permit holder to remove non-commercially generated debris from the lot so long as access is incidental to to the activity.
11. The permit holder shall remove commercial/industrial debris by way of Mission Street.

SPEAKERS: James Stark and Cynthia Navarro, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Mei Fode, permit holder; and Craig Martel and Abby Chan, in favor of the permit holder.

APPEAL NO. 93-114

(11) GAN FAMILY TRUST, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
May 28, 1993, to the S.F.
Korean Presbyterian Church,
[permit to Alter a Building
[at 5301 California Street.
[APPLICATION NO. 9009177S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit and to ADOPT the Findings and Conditions of the Planning Commission as set forth in Motion No. 13250 adopted January 16, 1992, and added the following CONDITION: The Department of City Planning shall review the status of this project within six (6) months of the effective date of this decision. The effective date of a decision of the Board is the date the Board releases its Notice of Decision and Order to the parties and the departments.

SPEAKERS: Helen Gan, appellant; Lynn and Maudelle Terry, Sam Hom, in support of appellant; Robert Passmore, Zoning Administrator for Department of City Planning; T.C. Chen, architect for permit holder; and Gina Lee, in support of permit holder.

APPEAL NO. 93-135

(12) AIELEEN O'DRISCOLL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July
6, 1993, to Samir Wakileh,
[permit to Alter a Building
[at 2849 Greenwich Street.
[APPLICATION NO. 9306487.
[FOR HEARING TODAY.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit with CONDITIONS:

1. The work shall be completed by October 15, 1993.
2. There shall be no additional construction.
3. The work hours shall be Monday through Friday, 8:00 a.m. to 6:00 p.m. and no hammering or power tools on the weekend.

SPEAKERS: Guadalupe Gamino, attorney for appellant; and Samir Wakileh, permit holder.

APPEAL NO. 93-150

(13) ANNA MARIE RIGGS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
3, 1993, to John Wolohan,
[permit to Alter a Building
[at 300 Valencia Street.
[APPLICATION NO. 9300498.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to September 22, 1993 with agreement of parties.

SPEAKERS: Thomas Nuris, attorney for appellant; and Jerry Klein, agent for permit holder.

APPEAL NO. V93-115

(14) GLADYS MAGDANGAL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 5, 1993,
[of Rear Yard Variance sought
[for property located at
[at 258 Staples Avenue.
[VARIANCE CASE NO. 93.044V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRIDE the Zoning Administrator and GRANT the variance with findings and the CONDITION that the appellant shall record on the land records a Notice of Special Restrictions to be prepared by the Department of City Planning that expressly states that the subject shed may not be used as a dwelling unit but shall only be used for household storage, and that there be no additional development beyond that which has already been approved by the Department of City Planning.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Gladys Magadanal, appellant.

(15) Commissioners' Questions and Comments.

SPEAKERS: None.

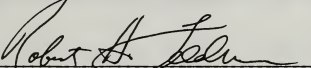
(16) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

(17) Amendment to Rules of the Board Limiting Hearing Briefs and Exhibits to 12 Pages.

ACTION: CONTINUED to September 22, 1993 with notice to be posted to notify the public.

There being no further business, President Bradstreet adjourned the meeting at 10:27 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 22, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Juanita Owens.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: President Bradstreet announced Commissioner Owens was resigning from the Board after the meeting.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Robert W. Passmore, Zoning Administrator, requesting rehearing of Appeal No. V92-260, 4621 - 4625 18th Street. Hearing August 4, 1993. Upon motion by Vice President Bradstreet, the Board voted 4-0 (Commissioner Owens absent) to OVERRULE the department and GRANT the variance with findings and conditions.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to DENY the request for rehearing with the CONDITION that the appellant record a Notice of Special Restrictions with the five conditions set by the Board.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Paul Kernich, appellant.

ITEM B: Letter from Alice Lane, requesting rehearing of Appeal No. 93-029, 1592-1594 Golden Gate Avenue. Hearing August 17, 1993. Upon motion by Vice President Alba, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with findings and DENY the permit.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-1 (Commissioner Felzer dissented) to DENY the request for rehearing.

SPEAKERS: Lafayette Jamerson, for appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

MINUTES OF THE BOARD OF PERMIT APPEALS, SEPTEMBER 22, 1993 (cont'd)

ITEM C: Letter from Ruth Carroll, requesting rehearing of Appeal No. 93-112, 14 Roemer Way. Hearing August 25, 1993. Upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty. The appellant did not appear.

ACTION: After discussion, upon motion by Commissioner Owens, the Board voted 5-0 to GRANT the rehearing and scheduled it for **October 27, 1993**.

SPEAKER: Ruth Carroll, appellant.

APPEAL NO. 90-021

- (3) YOSSEDEK M. DESTA, Appellant
vs.
S. F. POLICE COMMISSION, Respondent
- [Revocation by the Police
[Commission issued on January
[19, 1990 of authorization
[for a motorized rickshaw/
[sightseeing bus permit.
[FOR HEARING TODAY.

ACTION: CONTINUED to December 1, 1993 to allow the appellant to submit drawings of the proposed rickshaw.

SPEAKERS: Sergeant Michael Seybold, S.F.P.D.; and Yossedek Desta, appellant.

APPEAL NO. 93-081

- (4) JOSE LUZ GONZALEZ, dba "LA CAMPANA",
Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent
- [Denial on April 12, 1993,
[of Billiard Parlor and
[Mechanical Amusement Device
[permits at 3309 Mission Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and DENY the permits with findings of S.F.P.D.

SPEAKERS: Sergeant Michael Seybold, S.F.P.D.; Charles Bolton, Dennis Goodman, Dave Ferrera, Vicki Saxon, Jerry Sarin in support of the department; Paul Slavin, attorney for appellant; and Robert Sites, in support of appellant.

The Board recessed from 7:00 to 7:16 p.m.

APPEAL NO. 93-111

- (5) YOSSEDEK DESTA, Appellant
vs.
S. F. POLICE COMMISSION, Respondent
- [Appeal of Police Commission deci-
[sion on May 18, 1993, that Public
[Convenience and Necessity has
[not at this time been established
[to require the operation of addi-
[tional taxicab permits (medallions
[for which applications have been
[made.
[RESOLUTION NO. 47-93.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the Police Commission with findings and to issue 189 medallions during this fiscal year under Proposition K regulations.

SPEAKERS: Sergeant Michael Seybold and Officer Farrell Suslow, S.F.P.D.; Philip Ward, attorney for S.F. Taxi Association, in support of the department; Yossedek Desta, appellant; and Bob Miggal, Jack Trad, T. Ketsema, Sherman Silva, Reno de Silva, Jote Kejela, in support of appellant.

APPEAL NO. 93-085

(6) ANNE WINTON, Appellant [Appealing for Refund of Penalty
vs. [imposed on April 26, 1993, for
DEPT. PUBLIC WORKS, Respondent [work done at 537 Connecticut St.
CITY PLANNING APPROVAL [APPLICATION NO. 9300595.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to \$68.50 plus investigation fees.

SPEAKERS: Anne Winton, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-116

(7) RICHARD & BARBARA LEE, Appellants [Imposition of Penalty on
vs. [June 2, 1993, for work done
DEPT. PUBLIC WORKS, Respondent [at 367 Arguello Blvd.
CITY PLANNING APPROVAL [APPLICATION NO. 9304637.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$150.80 for a total of \$754.00.

SPEAKERS: Paul Fong, agent for appellants; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-118

(8) JOSHUA CHEN, Appellant [Imposition of Penalty on
vs. [June 4, 1993, for work done
DEPT. PUBLIC WORKS, Respondent [at 4235-4237 21st Street.
CITY PLANNING APPROVAL [APPLICATION NO. 9303355.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Chan dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$350.00.

MINUTES OF THE BOARD OF PERMIT APPEALS, SEPTEMBER 22, 1993 (cont'd.)

SPEAKERS: Laurence de Vries, agent for appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-128

- (9) MARJORIE A. VANDERSLOOT, Appellant [Denial on June 25, 1993,
vs. [of permit to Alter a Building
DEPT. PUBLIC WORKS, Respondent [(awning) at 2642 Van Ness Ave.
CITY PLANNING DISAPPROVAL [APPLICATION NO. 9309429.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Ted Kitt, owner of subject property; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 93-106

- (10) CELESTE WEST, Appellant [Protesting issuance on May 13,
vs. [1993, to Alan Klonsky, permit
DEPT. PUBLIC WORKS, Respondent [to Alter a Building at
CITY PLANNING APPROVAL [551-553 - 29th Street.
[APPLICATION NO. 9207436S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings.

SPEAKERS: Celeste West, appellant; Jeannine Toussaint and Svea Horton for Inga Horton, in opposition to the project; and Alan Klonsky, permit holder.

APPEAL NO. 93-130

- (11) DENNIS JAFFE, Appellant [Protesting issuance on June
vs. [29, 1993, to Chris and John
DEPT. PUBLIC WORKS, Respondent [Meharg, permit to Alter a
CITY PLANNING APPROVAL [Building at 738 Ashbury Street.
[APPLICATION NO. 9309101.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Dennis Jaffe, appellant; and Allan Levy, architect for permit holder.

APPEAL NO. 93-150

(12) ANNA MARIE RIGGS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[3, 1993, to John Wolohan,
[permit to Alter a Building
[at 300 Valencia Street.
[APPLICATION NO. 9300498.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and GRANT the permit with findings.

SPEAKERS: Thomas Nuris, attorney for appellant; Anna Marie Riggs, appellant; Foula Psiknin, Tim Greopas, Eva Skoufis, Roy Lever, in opposition to the project; Jerry Klein, agent for permit holder; and John Wolohan, permit holder.

APPEAL NO. V93-120

(13) ANNIE A. WILLIAMS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 11, 1993, of
[Off-Street Parking Variance
[sought for property located
[at 2118 - 2124 Sutter Street.
[VARIANCE CASE NO. 93.137V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 3-2 (Commissioners Felzer and Owens dissented) to UPHOLD the department and DENY the variance with the Zoning Administrator's findings and letter of June 11, 1993.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Rene Pinado and David Rosenthal, in support of department; Anne Williams, appellant; and Shelley Silver, in support of appellant.

(14) Commissioners' Questions and Comments.

SPEAKERS: The Board thanked Commissioner Owens for her service and wished her well with her new duties.

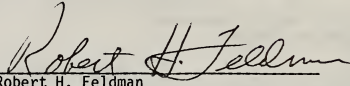
(15) FURTHER HEARING ON ADDITION OF SECTION 6 TO ARTICLE I OF RULES OF THE BOARD OF PERMIT APPEALS LIMITING NUMBER OF PAGES OF APPEAL BRIEFS TO TWELVE.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to ADOPT Section 6 and add them to the Rules of the Board.

SPEAKERS: None.

MINUTES OF THE BOARD OF PERMIT APPEALS, SEPTEMBER 22, 1993 (cont'd.)

There being no further business, President Bradstreet adjourned the meeting at 10:25 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 6, 1993
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: President Angela Bradstreet.

(1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

Items 3 - 9 were considered together by the Board with no opposition from the departments or public.

APPEAL NO. 93-121

(3) ROSEMARY M. de HEER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on June 9, 1993, for work
[done at 428 Missouri Street.
[APPLICATION NO. 9304635.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$102.05 for a total of \$204.10.

APPEAL NO. 93-131

(4) POLAND HUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 12, 1993, for work
[done at 870 Darien Way.
[APPLICATION NO. 9100448.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 6, 1993 (cont'd.)

ACTION: Upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$243.33 for a total of \$468.66.

APPEAL NO. 93-134

- (5) THOMAS R. LUCHINI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[July 20, 1993, for work
[done at 209 Tingley Street.
[APPLICATION NO. 8808326.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$175.50 for a total of \$351.00.

APPEAL NO. 93-136

- (6) THOMAS R. WATSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[May 19, 1993, for work done
[at 942 Divisadero Street.
[APPLICATION NO. 9221584.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$248.30 for a total of \$496.60.

APPEAL NO. 93-158

- (7) MANUEL PALMA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[August 11, 1993, for work
[done at 455 Bartlett Street.
[APPLICATION NO. 9307567.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$243.30 for a total of \$496.60.

APPEAL NO. 93-159

- (8) DAVID K. JONE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[July 30, 1993, for work
[done at 88-94 Valparaiso St.
[APPLICATION NO. 9207944.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$127.40 for a total of \$254.80.

APPEAL NO. 93-171

(9) YOU PONG LAU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 26, 1993, for work
[done at 318 Faxon Avenue.
[APPLICATION NO. 9222164.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$378.30 for a total of \$756.60.

APPEAL NO. 93-138

(10) JAMES & CAROLE KROTZER, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[July 16, 1993, to Arthur T.
[Chen, permit to Alter a Build-
[ing at 1627 - 17th Avenue.
[APPLICATION NO. 9309914.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Louise Katz, attorney for appellants; Arthur Chen, permit holder; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-152

(11) DEETJE BOLER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 26, 1993, to John Sullivan,
[permit to Erect a Structure at
[2155 Hayes Street.
[APPLICATION NO. 9221640S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Deetje Boler, appellant; John Sullivan, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Drake Gardner, designer for permit holder; Sue Boyden, in opposition to the project.

APPEAL NO. 93-155

(12) ROSE MARIE SHISHKIN & RUTH BALAGUE,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July
[27, 1993, to Ming G. To,
[permit to Alter a Building
[at 415 - 44th Avenue.
[APPLICATION NO. 9020569S.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 6, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Rose Marie Shishkin, appellant; John Walsh, architect for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Stanley To, permit holder; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

(13) ECLECTIC COMMUNICATIONS, INC.,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

APPEAL NO. 93-133

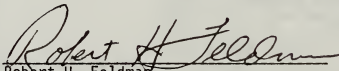
[Appeal of Zoning Administrator's
[interpretation dated July 8, 1993,
[that the Sheriff's Residential
[Placement Program at 111 Taylor
[Street is in violation of Plan-
[ning Code Sections 101.1 and
[249.5(b) and not in conformity
[with the Master Plan.
[FOR HEARING TODAY.

ACTION: CONTINUED prior to hearing to October 13, 1993 at request of Alice Bark-Tey, attorney for appellant.

(14) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan.

There being no further business, Vice President Alba adjourned the meeting at 7:35 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS

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WEDNESDAY, OCTOBER 13, 1993

5:30 P.M., CITY HALL, ROOM 282

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR FURTHER INSTRUCTION:

ITEM A: Letter from City Attorney's Office dated September 8, 1993 requesting further instruction concerning the Board's recent decision in the matter. 959 Powell/8 Wetmore Streets; Appeal Nos. 88-293, 88-294, 88-295. On July 7, 1993, the Board voted 3-2 to order the City Attorney's Office to file a motion in Superior Court requesting Judge Dearman to clarify his July 25, 1990 order. Judge Dearman's order remanded the cases to the Board for a new decision after an environmental impact report on the project had been prepared and certified by the City Planning Commission.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-1 (Commissioner Chan dissented) to GRANT a rehearing and scheduled it for **November 10, 1993.**

SPEAKERS: Michael Burke, attorney for property owner; Gen Fujicka, attorney for real parties in interest; and Judith Boyajian, Deputy City Attorney.

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM B: Letter from Joseph and Cecilia Tsu, requesting that the Board take jurisdiction over Building Permit Application No. 9222041S to erect a building at 6115 Geary Blvd.

Date issued
Appeal period ended
Request for jurisdiction

April 26, 1993
May 11, 1993
September 14, 1993

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 13, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to DENY the request for jurisdiction.

SPEAKERS: Alice Barkley, attorney for permit holder; and Cecilia and Joseph Tsu, requestors.

ITEM C: Letter from Gregory S. Porter, requesting that the Board take jurisdiction over Building Permit Application No. 9305980 to alter a building at 3439 Irving Street.

Date issued	June 28, 1993
Appeal period ended	July 13, 1993
Request for jurisdiction	September 15, 1993

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to DENY the request for jurisdiction.

SPEAKERS: Gregory and Diana Porter, requestors; and Walter Wong, agent for permit holder.

ITEM D: Letter from Anthony Limtiaco, requesting that the Board take jurisdiction over denial of rear yard and usable open space variances sought for property located at 47 Skyview Way.

Date of decision	August 31, 1993
Appeal period ended	September 10, 1993
Request for jurisdiction	September 24, 1993

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to GRANT the request for jurisdiction. Mr. Limtiaco has 10 days to file an appeal.

SPEAKERS: Mr. Limtiaco was present but did not speak. Robert Passmore, Zoning Administrator for Department of City Planning acknowledged letter to Mr. Limtiaco had been mailed to the wrong address.

At the request of President Bradstreet, Doris Levine, Official Court Reporter, swore in all those who intended to testify on the evening's appeals.

APPEAL NO. 93-147

(3) JAMES A. HEAGY, Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Protesting issuance on
[July 29, 1993, to Ronald
[Dumont, dba "City Forest
[Catering", Dance Hall/Place
[of Entertainment permit at
[at 254 Laguna Honda Blvd.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the following CONDITIONS (as expressed by President Bradstreet):

1. The management shall be on the premises the entire time during all events with the authority to shut the event down. With regards to events with over 100 people in attendance a security guard must be in attendance for the hour following the end of the event if that event ends at 10:00 p.m. or after, and these two clauses are to be written into all contracts between the permit holders and those renting the hall.
2. No contract may be issued less than 30 days prior to an event.
3. One-day dance permits shall be required to be obtained.
4. All back doors and windows shall be kept closed at all times music is being played or any amplified sound is used, and that there be strict compliance with MPC Section 49.
5. That the sound level shall not exceed at any time 82 decibels and that there shall not be any outside speakers ever.
6. That there shall be no amplified or live music after 10:00 p.m. on any night.
7. That there shall be no other type of music after midnight and that all events shall be scheduled to end at midnight at the latest.
8. That the permit holder and Mr. Heagy shall make good faith efforts to meet once a month to discuss problems and solutions.
9. That there shall be no heavy metal music.
10. That there shall be two new garbage receptacles placed around the front exterior of the building.
11. Any trash around the front exterior of the building shall be cleaned up by the permit holder following each event, the same day or the event.
12. That there shall be no parking within the permit holder's control allowed on any unauthorized space belonging to the adjacent church.
13. That there shall be no trespassing by patrons of the business on any private property nearby at any time.

SPEAKERS: James and Jayne Heagy, appellants; Francis Miller and Robert Fleming in opposition to the department; Ronald Dumont, permit holder; and Richard Dumont, brother and attorney for permit holder.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 13, 1993 (cont'd.)

APPEAL NO. 93-094

- (4) ROBERT STONE, Appellant
vs.
ART COMMISSION, Respondent

[Suspension for three weeks
[on May 3, 1993, by the S.F.
[Art Commission of Street
[Artist Certificate for violation
[Street Artist Ordinance.
[STREET ARTIST CERT. NO. 1861.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and the suspension.

SPEAKERS: Robert Stone, appellant; Howard Lazar, Director of Street Artists Program; and Officer Tom Mandelke, S.F.P.D.

APPEAL NO. 93-117

- (5) STEVEN COHEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on June 14,
[1993, for work done at
[3489 - 3499 Sacramento Street.
[APPLICATION NO. 9118000.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be nine times the regular fee for work totalling \$5,000.00.

SPEAKERS: Steven Cohen, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:22 to 7:30 p.m.

APPEAL NO. 93-123

- (6) GLADYS HAMILTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 11, 1993, for work done
[at 924 - 934 Divisadero Street.
[APPLICATION NO. 9302236.
[FOR HEARING TODAY.

ACTION: ADMINISTRATIVELY WITHDRAWN per William Schock, Senior Building Inspector for Bureau of Building Inspection, who said he would have the Bureau withdraw the entire penalty, based on the recommendation of the Board. The Board found that the work had been done prior to 1960.

SPEAKERS: Mary Ratcliff, attorney for appellant; Gladys Hamilton, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-126

(7) BILL WAH SUI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on June 22,
[1993, for work done at
[1642 - 24th Avenue.
[APPLICATION NO. 9307139.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$65.65 for a total of \$131.30.

SPEAKERS: Jean Fong, for agent for appellant.

APPEAL NO. 93-148

(8) GEORGE A. MAUMER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 3, 1993, to Angela
[Ung, permit to Alter a Build-
[ing at 3001 - 22nd Street.
[APPLICATION NO. 9307378.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and GRANT the permit.

SPEAKERS: George Maumer, appellant; Maria Tivia, Mr. Patio, Sherman Wong, in opposition to the project; John Wolohan, permit holder; and Jerry Klein, agent for permit holder.

APPEAL NO. 93-182

(9) BARBARA LANDT & KELLY KARASEK,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 25, 1993, to Mia Mus-
[grove, permit to Erect a Struc-
[ture at 16 Edgehill Way.
[APPLICATION NO. 9303053S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit. President Bradstreet said that in the event a rehearing was sought and granted that Mr. Karasek's attorney would have seven minutes to present and three minutes for rebuttal at consideration of the request for rehearing.

SPEAKERS: Kelly Karasek, appellant; David Larwood and Kathy Darby, in opposition to the project; Mia Musgrove, permit holder; Hans Baldauf, architect for permit holder; and Joe O'Donoghue and Dan Mallen, in support of the project.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 13, 1993 (cont'd.)

APPEAL NO. V93-119

(10) MABEL YEE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 11, 1993, of
[Off-Street Parking and Exposure
[Variances sought for property
[located at 1320 Green Street.
[VARIANCE CASE NO. 93.119V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and GRANT the variances with the CONDITION that the fourth unit be rented at an affordable level. Mr. Rieke is to prepare specific findings for adoption later.

SPEAKERS: Wayne Rieke, architect for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Shubert Yee, for appellant.

APPEAL NO. 93-133

(11) ECLECTIC COMMUNICATIONS, INC.,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Zoning Administrator's
[interpretation dated July 8, 1993
[that the Sheriff's Residential
[Placement Program at 111 Taylor
[Street is in violation of Plan-
[ning Code Sections 101.1 and
[249.5(b) and not in conformity
[with the Master Plan.
[FOR HEARING TODAY.

ACTION: WITHDRAWN on October 12, 1993 by Alice Barkley, attorney for appellant.

APPEAL NO. 93-153

(12) JAMES & LEENA KRASNO, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated July 26, 1993
[by the Zoning Administrator that
[construction of the alteration
[at 1549 - 16th Avenue has not
[been done in compliance with Board
[conditions imposed with its deci-
[sion on Appeal No. 92-052 decided
[September 2, 1992.
[APPLICATION NO. 9023807.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the determination and found that the project was in conformity with the A.I.A. recommendations and its conditions.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning. John Walsh, architect for appellants; and Dr. James and Leena Krasno, appellants.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

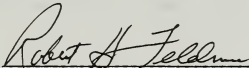
SPEAKERS: Judith Boyajian reported that Ronald Hothem has filed a lawsuit to overrule the Board's decision in Appeal Nos. 92-257 and 92-258.

Joe O'Donoghue urged the Board to request legislation to reduce the number of appeals and protests possible against projects.

(14) **Commissioners' Questions and Comments.**

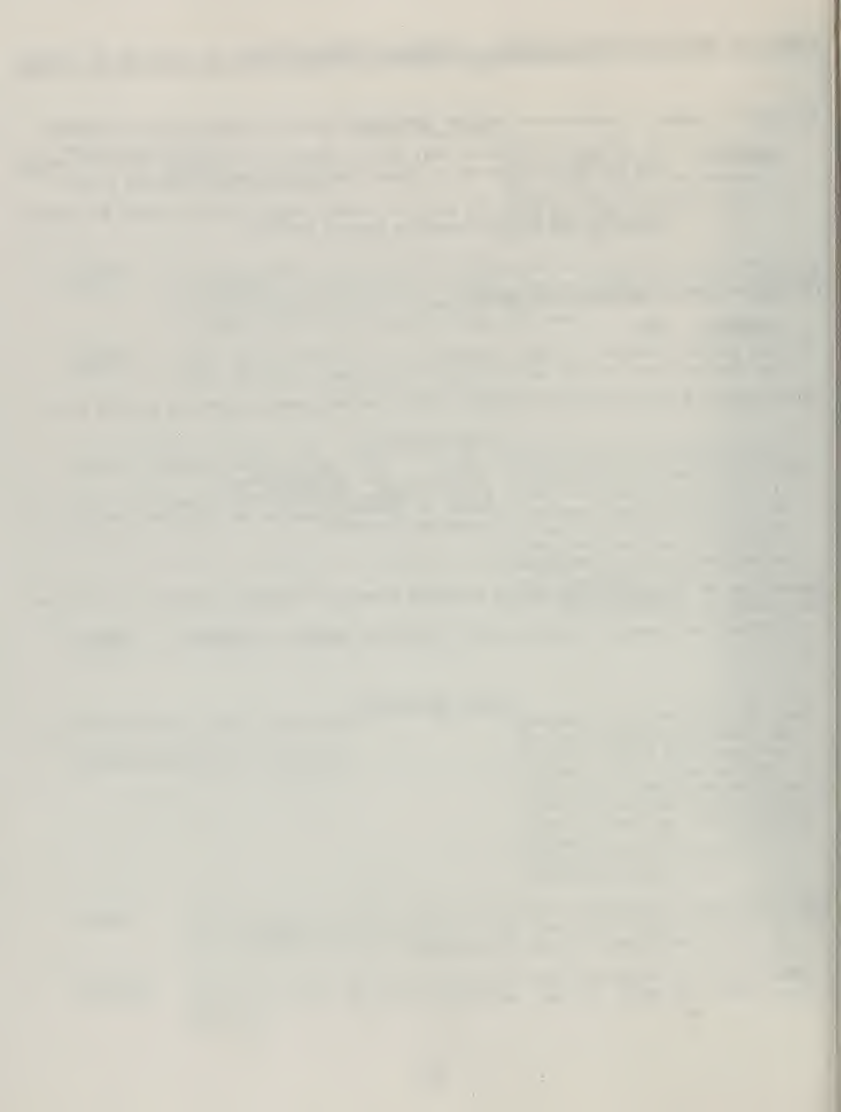
SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:42 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 20, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Scott Hopkins.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS AND REQUEST FOR REHEARING:

ITEM A: Letter from Lt. Thomas P. Donohoe, of the Police Department Legal Division, requesting rehearing of Appeal No. 93-111, appeal of Taxicab Public Convenience and Necessity findings. Hearing September 22, 1993. Upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the Police Commission and ISSUE 189 additional taxicab permits.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to GRANT rehearing and scheduled it for December 8, 1993.

SPEAKERS: Sergeant Michael Seybold, S.F.P.D.; Yossedek Desta, appellant; and Judith Boyajian, Deputy City Attorney.

REQUESTS FOR REHEARING:

ITEM B: Letter from Robert W. Passmore, Zoning Administrator, requesting rehearing of Appeal No. 93-128, 2642 Van Ness Avenue. Hearing September 22, 1993. Upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to DENY the request for rehearing. The Executive Director shall write to the Planning Commission recommending that the Planning code be amended to allow awnings and canopies in residential districts.

SPEAKER: Robert Passmore, Zoning Administrator for Department of City Planning.

ITEM C: Brief from Joseph K. Bravo and Andrew M. Zacks, attorneys for appellant requesting rehearing of Appeal No. 93-036, All Seasons Hotel. Hearing August 17, 1993. Upon motion by President Bradstreet, the Board voted 3-2 (Vice President Alba and Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with amended findings.

ACTION: CONTINUED to November 17, 1993 for further briefing from the City Attorney's Office by November 9, 1993.

SPEAKERS: Andrew Zacks, attorney for appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 93-176

(3) ALL SEASONS HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Zoning Administrator's
determination dated August 17,
1993 concerning the inadequacy
of notice given by the All Seasons
Hotel under the California Govern-
ment Code and the City Planning
Code for invocation of the
California Streamlining Act for
the conversion of the hotel at
417 Stockton Street to full tourist
use without Conditional Use
authorization by the Planning
Commission.
[FOR HEARING TODAY.

ACTION: CONTINUED to November 17, 1993 for further briefing from the City Attorney's Office by November 9, 1993.

The Official Court Reporter swore in all those who intended to testify on any appeals.

APPEAL NO. 93-137

(4) NAM VAN DOAN, dba "L'AMOUR CLUB",
Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on July 9, 1993, of
Billiard Parlor/Mechanical
Amusement Device permit at
600 Jackson Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings and the following CONDITIONS:

1. The fire door exit shall have a panic bar and alarm.
2. A uniformed security guard shall be present during business hours.
3. A security camera shall be installed and utilized during business hours.
4. The entryway shall be repainted in a light color preferably white, and a wide angle security mirror installed to observe activity in the entryway from the sidewalk level.
5. The entryway shall be illuminated during business hours.

SPEAKERS: Thomas Steel, attorney for appellant; Boyd Smith, security consultant for appellant; Tonie Dao, Cong Nguyen, David Fan, in support of appellant; and Sergeants Michael Seybold and Stephen Tacchini, S.F.P.D.

The Board recessed from 6:50 to 6:56 p.m.

APPEAL NO. 93-140

(5) RENEE ZIKRY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
July 26, 1993, for work
done at 2282 - 40th Avenue.
APPLICATION NO. 9305258.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Renee Zirky, appellant.

APPEAL NO. 93-143

(6) ALISON WAHL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
imposed on August 2, 1993, for
work done at 251 Cumberland St.
APPLICATION NO. 9311186.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 2-3 (President Bradstreet, Commissioners Felzer and Murphy dissented) to overrule the department with the condition that the penalty be reduced to a total of \$1,000.00. Four votes are needed and the motion failed. Upon motion by Commissioner Murphy, the Board voted 3-2 (Vice President Alba and Commissioner Felzer dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of \$215.80 for a total of \$431.60. Four votes being needed, the motion failed. Upon motion by President Bradstreet the Board voted 4-1 (Commissioner Felzer dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$500.00.

SPEAKERS: Alison Wahl, appellant.

APPEAL NO. 93-144

(7) MARCO R. SALINAS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
August 3, 1993, for work
done at 170 Colon Avenue.
APPLICATION NO. 9303941.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$459.55 for a total of \$919.10.

SPEAKERS: Marcos Salinas, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspector; and Robert Passmore, Zoning Administrator.

APPEAL NO. 93-145

(8) RODOLFO M. VITANGCOL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
July 26, 1993, for work
done at 234 - 236 Lee Street.
[APPLICATION NO. 9222004.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Chan dissented) to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Rodolfo Vintangcol, appellant.

APPEAL NO. 93-146

(9) EMMA F. HUTCHINGS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
August 4, 1993, for work
done at 134 Lunado Way.
[APPLICATION NO. 9310379.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$134.55 for a total of \$269.10.

SPEAKERS: Emma Hutchings, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Bill Yelda, contractor for appellant.

APPEAL NO. 93-149

(10) DONNELLA T. DENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
August 6, 1993, for work
done at 969 Hollister Avenue.
[APPLICATION NO. 9302196.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$134.55 for a total of \$269.10.

SPEAKERS: None. The appellant was present but did not speak.

APPEAL NO. 93-129

(11) PRISCILLA BULL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 6, 1993, of
[permit to Alter a Building
[at 420 Precita Avenue.
[APPLICATION NO. 9307195.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Priscilla Bull, appellant; Carlos Tables, in support of the project; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 8:25 to 8:30 p.m.

APPEAL NO. 93-141

(12) RONALD A. MIRKOVICH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 8, 1993, of
[permit to Alter a Building
[at 1695 - 11th Avenue.
[APPLICATION NO. 9303015S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department and GRANT the permit with findings by President Bradstreet and the CONDITION that the appellant shall eliminate the door in the lobby to Unit 1.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Ronald Mirkovich, appellant; and Robert Swanson, architect for appellant.

APPEAL NO. 93-156

(13) HUNG & ALAN JOE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 29, 1993, to George and
[Terry Tom, permit to Alter a
[Building at 1082 Washington St.
[APPLICATION NO. 9214051.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Alan Joe, appellant; Hong Toy, in opposition to the project; Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Gary Gee, architect for appellant; Joe O'Donoghue, in support of permit holder; and Daryl Higashi of the Chinese Community Housing Corporation.

APPEAL NO. 93-186

(14) ELLEN KERNAGHAN, ANNA &
EDWARD EVERETT, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on Septem-
[ber 2, 1993, to Laurence McAuley,
[permit to Erect a Building at
[710 - 712 Wisconsin Street.
[APPLICATION NO. 9209214S.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 20, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings by President Bradstreet.

SPEAKERS: Ellen Kernaghan, appellant; Gibbs Moody, Dick Millett, June Popoff, Donna Candela, Doug Winant, in opposition to the project; Robert Passmore, Zoning Administrator for Department of City Planning; Michael O'Brien, architect for permit holder; Lawrence McAuley, permit holder; and Joe O'Donoghue, in support of the permit holder.

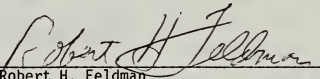
(15) Commissioners' Questions and Comments.

SPEAKERS: None.

(16) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:15 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

111
MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 27, 1993
5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT
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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Douglas Chan.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Ruth Balague and Rose Marie Shiskin, requesting rehearing of Appeal No. 93-155, 415 - 44th Avenue. Hearing October 6, 1993. Upon motion by Commissioner Felzer, the Board voted 4-0 (President Bradstreet absent) to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Rose Marie Shiskin, appellant; Stanley To, permit holder; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-112

(3) RUTH CARROLL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
May 25, 1993, for work
done at 14 Roemer Way.
[APPLICATION NO. 9304212.
[FOR REHEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 27, 1993 (cont'd.)

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$264.55 for a total of \$529.10.

SPEAKERS: Ruth Carroll, appellant.

APPEAL NO. 93-154

- (4) JADIN CHAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[August 11, 1993, for work
[done at 806 - 45th Avenue.
[APPLICATION NO. 9303289.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Jadin Chan, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-157

- (5) JOSE Q. AQUINO, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[July 30, 1993, for work
[done at 583 Moultrie Street.
[APPLICATION NO. 9307279.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 1-3 (President Bradstreet, Vice President Alba, Commissioner Murphy dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of \$248.30 for a total of \$496.60 and a recommendation that the department withdraw the entire penalty. Four votes are needed and the motion failed. Then upon motion by Vice President Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Wilfredo Aquino, representing appellant.

APPEAL NO. 93-166

- (6) MARIE WYLAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[August 23, 1993, for work
[done at 1533 McAllister Street.
[APPLICATION NO. 9300886.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$215.80 for a total of \$431.60.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 27, 1993 (cont'd.)

SPEAKERS: Shaun Weston, representing appellant; and Victoria Wylan, appellant.

APPEAL NO. 93-173

(7) ELENA RIVERA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 25, 1993, for work
[done at 718 Brazil Avenue.
[APPLICATION NO. 9213642.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$183.30 for a total of \$366.60.

SPEAKERS: Frank Solano, representing appellant.

APPEAL NO. 93-160

(8) DENNIS PARLANTE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 3, 1993, to Jessie
[Galzote, permit to Alter a
[Building at 31 Ervine Street.
[APPLICATION NO. 9210514.
[FOR HEARING TODAY.

ACTION: CONTINUED to December 1, 1993 at hearing for reports by the Bureau of Building Inspection and the Department of City Planning after their investigation of the subject premises.

SPEAKERS: Dennis Parlante and Teodoro Agcaoli, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; and Evangelina Galzote, permit holder.

The Board recessed from 7:00 to 7:13 p.m. The Official Court Reporter swore in new arrivals who intended to testify.

APPEAL NO. 93-163

(9) DONALD B. THACKREY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 5, 1993, to Laurence
[and Aiko Cuneo, permit to Erect
[a Structure at 4343 Army Street.
[APPLICATION NO. 9019995S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and GRANT the permit with conditions and findings by Vice President Bradstreet.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 27, 1993 (cont'd.)

SPEAKERS: Donald Thackrey, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Aiko Cuneo, permit holder; and Al Lanier, architect and father of permit holder.

APPEAL NO. 93-164

(10) MARK LINDZY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 5, 1993, to Mike Issa,
[permit to Alter a Building
[at 320 - 11th Street.
[APPLICATION NO. 9311458.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (President Bradstreet and Vice President Alba dissented) to uphold the department with the condition that liquor not be sold after 8:00 p.m. Four votes are needed and the motion failed. Then upon motion by Commissioner Murphy, the Board voted 4-0 to UPHOLD the department and GRANT the permit with findings and the following CONDITIONS: Sales of alcohol shall cease at 9:30 p.m. each night. After six months Bureau of Building Inspection and Department of City Planning can approve modification of this condition with the approval of Southern Station, S.F.P.D., on an alteration building permit for such modification by the permit holder.

SPEAKERS: Mark Lindzy, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Tim Simpson, representative for A.B.C.; Michael Hallinan, attorney for permit holder; Ray Hills, Fred Ateyuh, Joseph Bressman, Jeff Gerad, in support of permit holder; and Ron Viner, Mark Anderson, Jeff Mason, Huntly Kastner, Howard Gross, Jr., Nicolet Alexander, Robin Riker, Anthony Flyer, in support of appellant; and Captain Michael Yalon of Southern Station, opposed to any sales of alcoholic beverages at night.

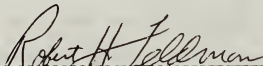
(11) Commissioners' Questions and Comments.

SPEAKERS: None.

(12) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:02 p.m.



Robert H. Feldman
Executive Director

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS DOCUMENTS DEPT.

WEDNESDAY, NOVEMBER 10, 1993

5:30 P.M., CITY HALL, ROOM 282

NOV 22 1993

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PUBLIC LIBRARY

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS:

ITEM A: Appeal No. V93-119, 1320 Green Street. Hearing October 13, 1993. Upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and GRANT the variances with the CONDITION that the fourth unit be rented at an affordable level.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to ADOPT amended findings.

SPEAKERS: None.

REHEARING OF CLARIFICATION OF PRIOR DECISION: APPEAL NOS. 88-293, 88-294 & 88-295.

ITEM B: Letter from Michael J. Burke, attorney for Adiuvana-Invest, Inc., former permit holders for three permits for a multi-family residential project at 959 Powell and 8 Wetmore, requesting clarification of the Board's decision of June 5, 1991 and requesting that the Board ask the Superior Court to modify the writ it issued on June 25, 1990 so that the Court's directions will comply with state law and city ordinances.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 10, 1993 (cont'd.)

BPA disapproved permits on March 1, 1989.

Superior Court remanded on June 25, 1990 for an E.I.R.

BPA held hearing to establish scope of E.I.R. on June 5, 1991.

[E.I.R. has not yet been prepared.]

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 2-3 (Vice President Alba, Commissioners Chan and Felzer dissented) to deny the request for clarification of the prior decision. Three votes are needed and the motion failed. Then upon motion by Commissioner Murphy, the Board voted 5-0 to have the City Attorney's Office send a letter to the Superior Court supporting the property owner's motion for clarification expressing the Board's concern about whether the process ordered will comply with CEQA and whether findings are needed from the court before an EIR is required.

SPEAKERS: Haig Mardikian, property owner; Michael Burke, attorney for property owner; Judith Boyajian, Deputy City Attorney; and Sue Hestor, attorney for the tenants and neighborhood groups.

REQUEST FOR REHEARING:

ITEM C: Letter and brief from appellants requesting rehearing of Appeal No. 93-182, 16 Edgehill Way. Hearing October 25, 1993. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

ACTION: President Bradstreet continued consideration of this request one week to November 17, 1993 to allow time for the permit holder to respond to the arguments raised by the appellant.

SPEAKER: Sue Hestor, attorney for appellants on a procedural point.

APPEAL NO. 93-161

(3) JUNE TRAN VANH, dba "METAL
RECYCLING, INC., Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on August 3, 1993,
[of Junk Dealer permit at
[at 1438 Donner Avenue.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-1 (Vice President Alba dissented) to OVERRULE the department and GRANT the permit with the following CONDITIONS:

1. No purchases of ferrous or nonferrous metal shall be made from the general public, only bottles and cans.
2. Purchases of ferrous or nonferrous metal shall be made from an approved list of firms and agencies.
3. A log shall be maintained for all purchases and made available at all times for review by the Police Department.
4. A general manager shall be on duty at all times of operation.
5. The appellant shall immediately report to the Police any incident of an employee or other persons if there is any reason to believe any proffered materials are stolen property; and the manager shall have the

pager and telephone numbers of the appropriate Police officer as designated by the Department at all times and these numbers shall be posted at the counter of the business or on the employee bulletin board at all times.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Officers Michael Stasko and Michael Mahoney, S.F.P.D.; Michael Bernick, attorney for appellant; Bob Perkins and Ronald Willis, in support of S.F.P.D.; Jeff Newton, general manager for appellant; and June Tran Vanh, appellant.

The Board recessed from 7:40 to 7:55 p.m.

APPEAL NO. 93-087

(4) JOHN W. THOMAS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[April 29, 1993, for work
[done at 15 Summer Street.
[APPLICATION NO. 9202106.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: John Thomas, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-168

(5) JESUS & LASTENIA ANDRADE,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[August 11, 1993, for work
[done at 1044 Munich Street.
[PLUMBING PERMIT NO. 310084.
[FOR HEARING TODAY.

ACTION: ADMINISTRATIVELY WITHDRAWN per William Schock, Senior Building Inspector for Bureau of Building Inspection, who said he would have the Bureau withdraw the entire penalty, based on the recommendation of the Board.

SPEAKERS: Anita Bonilla, representing appellants; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Jesus and Lastenia Andrade, appellants.

APPEAL NO. 93-174

(6) LYDIA MARTINEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 26, 1993, for work
[done at 878 Hampshire Street.
[APPLICATION NO. 9301227.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 10, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$150.80 for a total of \$301.60.

SPEAKERS: Murrey Correa, attorney for appellant; Elizabeth Murphy, interpreter for appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-177

(7) MARCO RUIZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 30, 1993, for work
[done at 1221 Alemany Blvd.
[APPLICATION NO. 93C9640.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Vice President Alba dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$215.80 for a total of \$431.60.

SPEAKERS: Marco Ruiz, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Joe O'Donoghue, in support of the appellant.

APPEAL NO. 93-132

(8) KERRY K. CLARK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[July 2, 1993, to the 499
[Alabama Corporation, permit
[to Alter a Building at
[499 Alabama Street.
[APPLICATION NO. 9303269.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that lighting be installed along the hallway and in foyer.

SPEAKERS: Melanie Grant Jones, attorney for appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; Kerry Clark, appellant; Lauri Donahue, executive director for permit holder.

Items (9A) and (9B) were heard together

APPEAL NO. 93-169

(9A) ELIZABETH WILBER & SALLY PINA,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[August 13, 1993, to the
[Dolores Street Community
[Center at 208 Dolores Street.
[APPLICATION NO. 9313814.
[FOR HEARING TODAY.

ACTION: CONTINUED prior to hearing to **December 8, 1993** at request of the parties to allow time to reach an agreement.

APPEAL NO. 93-213

(9B) ELIZABETH WILBER & SALLY PINA, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[October 12, 1993, to the
[Dolores Street Community
[Center at 208 Dolores Street.
[APPLICATION NO. 9317194.
[FOR HEARING TODAY.

ACTION: TAKEN OFF CALENDAR prior to hearing pending withdrawal letter from appellants.

APPEAL NO. 93-189

(10) PIERRE GOLDENSTEIN & MARIUCA NAUM, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 3, 1993, to George
[Reinhardt, permit to Alter a
[Building at 1730 - 8th Avenue.
[APPLICATION NO. 9216601.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Mariuca Naum, appellant; Ingo Wollenmander, Zena Werb, Jacqueline Schonwald, in support of appellants; George Reinhardt, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and Joe O'Donoghue, in support of the project.

APPEAL NO. V93-086

(11) JOEL PATHMAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial of Rear Yard Variance
[for property located at
[38 Samoset Street.
[VARIANCE CASE NO. 92.089V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department and GRANT the variance with findings by President Bradstreet and the CONDITION that a one-hour firewall shall be installed along the property line and the deck brought into compliance with Building Code requirements. Judith Boyajian, Deputy City Attorney, is to prepare specific findings for adoption later.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Joel Pathman, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 10, 1993 (cont'd.)

APPEAL NO. V93-170

(12) RALPH HURTADO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 25, 1993, of
[of Off-Street Parking Variance
[sought for property located
[at 2115-2117 - 22nd Street.
[VARIANCE CASE NO. 93.309V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department and GRANT the variance with findings and the CONDITION that a hydraulic parking lift shall be used to meet the the parking requirements to allow retention of the third dwelling unit. Judith Boyajian, Deputy City Attorney, is to prepare specific findings for adoption later.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Robert Hurtado, appellant; and Katherine Quan, in support of appellant.

APPEAL NO. 93-214

(13) IRENE MAR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Administrative Deter-
[mination dated October 27, 1993
[by the S.F. Zoning Administrator
[on the proposed use of 1540 Pine
[Street for Motorcycle Sales and
[Service in the Polk Street Neigh-
[borhood Commercial District.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the determination and found that the proposed motorcycle sales and service dealership is a retail service selling goods and services as defined in Section 790.102 of the Planning Code. The findings prepared by Mr. Cincotta, as amended is consultation with the Zoning Administrator, were adopted.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planing; and David Cincotta, attorney for appellant.

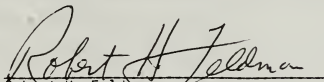
(14) Commissioners' Questions and Comments.

SPEAKERS: None.

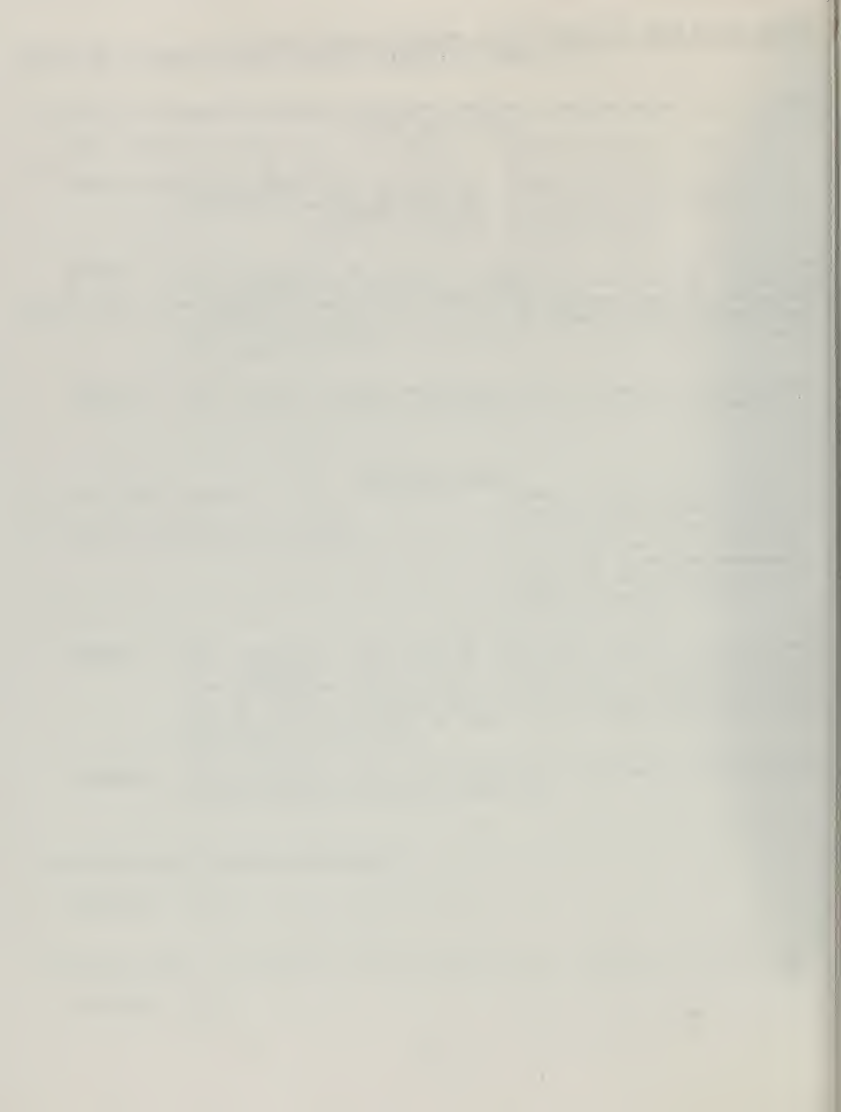
(15) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:37 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 17, 1993

5:30 P.M., CITY HALL, ROOM 282

PRESENT: President Angela Bradstreet, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Vice President Wayne Alba.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR MODIFICATION OF CONDITIONS:

ITEM A: Letter from Bret Husted, general contractor for Samir Wakileh, requesting that the Board extend the deadline of October 15, 1993 to allow time to install windows and complete interior finish work for Appeal No. 93-135, 2849 Greenwich Street. Hearing August 25, 1993. Upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit with CONDITIONS.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to lift the stop work order and GRANT an additional 30 days to finish the project.

SPEAKER: Bret Husted, general contractor for permit holder.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 17, 1993 (cont'd.)

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM B: Letter from Ahmad Mohazab, requesting that the Board take jurisdiction over denial of off-street parking variance sought for property located at 814-24th Avenue.

Date of decision	October 22, 1993
Appeal period ended	November 1, 1993
Request for jurisdiction	November 4, 1993

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to GRANT jurisdiction. Mr. Mohazab has 10 days to file an appeal.

SPEAKER: Robert Passmore, Zoning Administrator for Department of City Planning. Mr. Mohazab was present but did not speak.

REQUESTS FOR REHEARING:

ITEM C: Letter from Donald Thackrey, requesting rehearing of Appeal No. 93-163, 4343 Army Street. Hearing October 27, 1993. Upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Chan absent) to UPHOLD the department and GRANT the permit with CONDITIONS and findings by President Bradstreet.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: None.

ITEM D: Letter and brief from appellants and their attorney Sue C. Hestor requesting rehearing of Appeal No. 93-182, 16 Edgehill Way. Hearing October 13, 1993. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Sue Hestor, attorney for appellants; and David Cincotta, attorney for permit holder.

ITEM E: Brief from Joseph K. Bravo and Andrew M. Zacks, attorneys for appellant requesting rehearing of Appeal No. 93-036, All Seasons Hotel. Hearing August 17, 1993. Upon motion by President Bradstreet, the Board voted 3-2 (Vice President Alba and Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with amended findings.

ACTION: RESCHEDULED prior to hearing to December 1, 1993 by President Bradstreet to insure a quorum.

- (3) ALL SEASONS HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- APPEAL NO. 93-176
- [Appeal of Zoning Administrator's
[determination dated August 17,
[1993 concerning the inadequacy
[of notice given by the All Seasons
[Hotel under the California Govern-
[ment Code and the City Planning
[Code for invocation of the
[California Streamlining Act for
[the conversion of the hotel at
[417 Stockton Street to full tourist
[use without Conditional Use
[authorization by the Planning
[Commission.
[FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to December 1, 1993 at request of President Bradstreet to insure a quorum.

- (4) THAM M. NGO, dba "HEN NAM
COFFEE SHOP", Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent
- APPEAL NO. 93-184
- [Revocation on August 31, 1993,
[of Mechanical Amusement Device
[permit at 501 Ellis Street.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to December 15, 1993 with agreement of the department (Jeffrey Barker) due to the illness of appellant's attorney.

SPEAKER: Jeffrey Barker, attorney for S.F.P.D.

- (5) TED TABAR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- APPEAL NO. 93-165
- [Imposition of Penalty on
[August 20, 1993, for work
[done at 1424-26 21st Avenue.
[APPLICATION NO. 9213737.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$65.65 for a total of \$131.30.

SPEAKERS: Ted Tabar, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

- (6) MALCOLM P. LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- APPEAL NO. 93-183
- [Imposition of Penalty on
[September 9, 1993, for work
[done at 1543 - 26th Avenue.
[APPLICATION NO. 8818936.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 17, 1993 (cont'd.)

ACTION: ADMINISTRATIVELY WITHDRAWN per William Schock, Senior Building Inspector for Bureau of Building Inspection, who said he would have the Bureau withdraw the entire penalty.

SPEAKER: William Schock, Senior Building Inspector for Bureau of Building Inspection. The appellant was present but did not speak.

The Board recessed from 6:50 to 7:02 p.m.

APPEAL NO. 93-178

- (7) BELLACHS LEATHER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL
- [Denial on August 30, 1993,
[of permit to Erect a Sign
[at 1600 Van Ness Avenue.
[APPLICATION NO. 9307557.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to OVERRULE the department and GRANT the permit with the CONDITION that the message not be changed more than once an hour.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Jerry Klein, agent for permit holder.

APPEAL NO. 93-179

- (8) ADVERTISING PRODUCTS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL
- [Denial on August 25, 1993,
[of permit to Erect a Sign
[at 3251 - 20th Avenue.
[APPLICATION NO. 9312031.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Thomas Donoghue, appellant; and Tony Sanchez-Corea and Charles Farrell, for appellants.

APPEAL NO. 93-172

- (9) JANE PALECEK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[August 12, 1993, to Stephen Moore
[permit to Alter a Building
[at 816 Dolores Street.
[APPLICATION NO. 9311914.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to January 12, 1994 at the request of the parties to allow time to reach an agreement. In the event no agreement is reached by January 2, 1994, the Executive Director is to schedule a site visit for Commissioner Felzer who will try to mediate.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 17, 1993 (cont'd.)

SPEAKERS: Charles Connors, attorney for appellant; Stephen Moore, permit holder.

APPEAL NO. 93-185

(10) KWONG TAI CHONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CTIY PLANNING APPROVAL

[Protesting issuance on
[September 14, 1993, to Chris-
[topher Cersley, permit to Alter
[a Building at 120 Valmar Terrace.
[APPLICATION NO. 9301979.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Kwong Tai Chong, appellant; and Christopher Cersley, permit holder.

APPEAL NO. 93-192

(11) THOMAS E. KARNES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 10, 1993, to Charles
[E. Garcia, permit to Alter a
[Building at 4525 - 18th Street.
[APPLICATION NO. 9315679.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to UPHOLD the department and GRANT the permit with the CONDITION that upon transfer of title of the property that the wall-railing along the west side of the subject deck will be lowered to 42" above the deck and that the permit holder shall record this condition on a Notice of Special Restrictions.

SPEAKERS: Thomas Karnes, appellant; Richard McRee, architect for permit holder; Alice Barkley, attorney for permit holder; Charles Garcia, permit holder; Joe O'Donoghue, in favor of the project; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. V93-181

(12) JERRY KLEIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Conditions of Off-
[Street Parking Variance
[sought for property located
[at 58 Caselli Avenue.
[VARIANCE CASE NO. 93.219V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to UPHOLD the department and the conditions with findings.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 17, 1993 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Klein, appellant; and Arden Van Epp, property owner.

(13) Commissioners' Questions and Comments.

SPEAKERS: None.

(14) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Judith Boyajian reported to the Board Judge Pollak has scheduled a hearing for December 10, 1993 in the appeal of the Board's decision for the property at 41-47 and 51-55 Osgood Place.

There being no further business, President Bradstreet adjourned the meeting at 7:39 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 1, 1993

5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.

DEC 3 - 1993

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian and Kate Stacy, Deputy City Attorneys; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

After discussion, upon motion by President Bradstreet, the Board voted 5-0 to EXCUSE Commissioner Murphy from participating in Items 2A, 3 and 4 for the reason that Commissioner Murphy's law firm has represented parties in litigation involving the Hotel Conversion Ordinance.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Brief from Joseph K. Bravo and Andrew M. Zacks, attorneys for appellant requesting rehearing of Appeal No. 93-036, All Seasons Hotel. Hearing August 17, 1993. Upon motion by President Bradstreet, the Board voted 3-2 (Vice President Alba and Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with amended findings.

ACTION: WITHDRAWN at hearing by attorneys for appellant.

SPEAKERS: Joseph Bravo and Andrew Zacks, attorneys for appellant; Kate Stacy and Judith Boyajian, Deputy City Attorneys; Robert Passmore, Zoning Administrator for Department of City Planning; and Timothy Lee, Tenderloin Housing Clinic.

APPEAL NO. 93-176

(3) ALL SEASONS HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Zoning Administrator's
[determination dated August 17,
[1993 concerning the inadequacy
[of notice given by the All Seasons
[Hotel under the California Govern-
[ment Code and the City Planning
[Code for invocation of the
[California Streamlining Act for
[the conversion of the hotel at
[417 Stockton Street to full tourist
[use without Conditional Use
[authorization by the Planning
[Commission.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to OVERRULE the determination and GRANT the conditional use application as submitted to the Planning Department.

SPEAKERS: Joseph Bravo and Andrew Zacks, attorneys for appellant; Kate Stacy and Judith Boyajian, Deputy City Attorneys; Robert Passmore, Zoning Administrator for Department of City Planning; and Timothy Lee, Tenderloin Housing Clinic.

APPEAL NO. 93-167

(4) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August
[12, 1993 addressed to Claude
[and Micheline Lambert c/o
[Andrew Zacks, Esq. that conver-
[sion of the use of the building
[at 715 Bush Street from mixed
[residential and tourist use to
[all tourist use requires Condi-
[tional Use Authorization under
[the provisions of the Planning
[Code.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to January 12, 1994 for further briefing by the parties involved.

SPEAKERS: Andrew Zacks, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Claude Lambert, appellant; Violet Grayson and Bob Jacobs in favor of the appellant; and Timothy Lee, Tenderloin Housing Clinic, in favor of the department.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 1, 1993 (cont'd.)

Items (5A) and (5B) were heard together

APPEAL NO. 93-215

(5A) HEATHER J. HINDMARSH, dba "CORPORATE
STRESS MANAGEMENT", Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent

[Revocation on October 18,
1993, of Masseuse permit.
[FOR HEARING TODAY.

APPEAL NO. 93-216

(5B) HEATHER J. HINDMARSH, dba "CORPORATE
STRESS MANAGEMENT", Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent

[Revocation on October 18, 1993,
[of Outcall Massage permit.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department and REINSTATE the permits with the CON-TION that all fees shall be paid within ten days.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Heather Hindmarsh, appellant.

APPEAL NO. 93-160

(6) DENNIS PARLANTE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 3, 1993, to Jessie
[Galzote, permit to Alter a
[Building at 31 Ervine Street.
[APPLICATION NO. 9210514.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to CONTINUE the matter to the CALL OF THE CHAIR until the permit holder submits evidence that all code violations have been corrected.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; Evangelina Galzote, permit holder; and Ted Agoili, appellant.

APPEAL NO. 93-210

(7) JANDALI CONSTRUCTION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[imposed on October 6, 1993, for
[work done at 1133 Filbert Street.
[PLUMBING PERMIT NO. 312585.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Nasser Jandali, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. V93-211

(8) ANTHONY LIMTIACO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 31, 1993, of
[Rear Yard and Usable Open Space
[Variances sought for property
[located at 47 Skyview Way.
[VARIANCE CASE NO. 93.216V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Murphy dissented) to OVERRULE the department and GRANT the variance with findings by President Bradstreet and allow the deck with the CONDITION that the deck be cut back three feet and no sunroom shall be constructed unless it meets with the Building and Planning Codes. Judith Boyajian, Deputy City Attorney, is to prepare specific findings for adoption later.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Anthony Limtiaco, designer for property owner; and Jim McDaniel and Benjamin Nativ, in favor of the project.

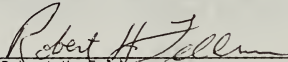
(9) Commissioners' Questions and Comments.

SPEAKERS: None.

(10) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:21 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS

DOCUMENTS DEPT.

WEDNESDAY, DECEMBER 1, 1993

DEC 3 - 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian and Kate Stacy, Deputy City Attorneys; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

After discussion, upon motion by President Bradstreet, the Board voted 5-0 to EXCUSE Commissioner Murphy from participating in Items 2A, 3 and 4 for the reason that Commissioner Murphy's law firm has represented parties in litigation involving the Hotel Conversion Ordinance.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Brief from Joseph K. Bravo and Andrew M. Zacks, attorneys for appellant requesting rehearing of Appeal No. 93-036, All Seasons Hotel. Hearing August 17, 1993. Upon motion by President Bradstreet, the Board voted 3-2 (Vice President Alba and Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with amended findings.

ACTION: WITHDRAWN at hearing by attorneys for appellant.

SPEAKERS: Joseph Bravo and Andrew Zacks, attorneys for appellant; Kate Stacy and Judith Boyajian, Deputy City Attorneys; Robert Passmore, Zoning Administrator for Department of City Planning; and Timothy Lee, Tenderloin Housing Clinic.

APPEAL NO. 93-176

(3) ALL SEASONS HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Zoning Administrator's
[determination dated August 17,
[1993 concerning the inadequacy
[of notice given by the All Seasons
[Hotel under the California Govern-
[ment Code and the City Planning
[Code for invocation of the
[California Streamlining Act for
[the conversion of the hotel at
[417 Stockton Street to full tourist
[use without Conditional Use
[authorization by the Planning
[Commission.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to OVERRULE the determination and GRANT the conditional use application as submitted to the Planning Department.

SPEAKERS: Joseph Bravo and Andrew Zacks, attorneys for appellant; Kate Stacy and Judith Boyajian, Deputy City Attorneys; Robert Passmore, Zoning Administrator for Department of City Planning; and Timothy Lee, Tenderloin Housing Clinic.

APPEAL NO. 93-167

(4) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August
[12, 1993 addressed to Claude
[and Micheline Lambert c/o
[Andrew Zacks, Esq. that conver-
[sion of the use of the building
[at 715 Bush Street from mixed
[residential and tourist use to
[all tourist use requires Condi-
[tional Use Authorization under
[the provisions of the Planning
[Code.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to January 12, 1994 for further briefing by the parties involved.

SPEAKERS: Andrew Zacks, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Claude Lambert, appellant; Violet Grayson and Bob Jacobs in favor of the appellant; and Timothy Lee, Tenderloin Housing Clinic, in favor of the department.

Items (5A) and (5B) were heard together

APPEAL NO. 93-215

(5A) HEATHER J. HINDMARSH, dba "CORPORATE
STRESS MANAGEMENT", Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent

[Revocation on October 18,
1993, of Masseuse permit.
FOR HEARING TODAY.]

APPEAL NO. 93-216

(5B) HEATHER J. HINDMARSH, dba "CORPORATE
STRESS MANAGEMENT", Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent

[Revocation on October 18, 1993,
of Outcall Massage permit.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department and REINSTATE the permits with the CONDITION that all fees shall be paid within ten days.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Heather Hindmarsh, appellant.

APPEAL NO. 93-160

(6) DENNIS PARLANTE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
August 3, 1993, to Jessie
Galzote, permit to Alter a
Building at 31 Ervine Street.
APPLICATION NO. 9210514.
FOR FURTHER HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to CONTINUE the matter to the CALL OF THE CHAIR until the permit holder submits evidence that all code violations have been corrected.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; Evangelina Galzote, permit holder; and Ted Agcoili, appellant.

APPEAL NO. 93-210

(7) JANDALI CONSTRUCTION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
imposed on October 6, 1993, for
work done at 1133 Filbert Street.
PLUMBING PERMIT NO. 312585.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Nasser Jandali, appellant; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 1, 1993 (cont'd.)

APPEAL NO. V93-211

(8) ANTHONY LIMTIACO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 31, 1993, of
[Rear Yard and Usable Open Space
[Variances sought for property
[located at 47 Skyview Way.
[VARIANCE CASE NO. 93.216V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Murphy dissented) to OVERRULE the department and GRANT the variance with findings by President Bradstreet and allow the deck with the CONDITION that the deck be cut back three feet and no sunroom shall be constructed unless it meets with the Building and Planning Codes. Judith Boyajian, Deputy City Attorney, is to prepare specific findings for adoption later.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Anthony Limtiaco, designer for property owner; and Jim McDaniel and Benjamin Nativ, in favor of the project.

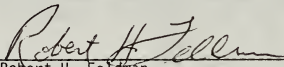
(9) Commissioners' Questions and Comments.

SPEAKERS: None.

(10) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:21 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 8, 1993
5:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Thomas Karnes, appellant requesting rehearing of Appeal No. 93-192, 4525 - 18th Street. Hearing November 17, 1993. Upon motion by Commissioner Murphy, the Board voted 4-0 (Vice President Alba absent) to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that upon transfer of title of the property that the wall-railling along the west side of the subject deck will be lowered to 42" above the deck and that the permit holder shall record this condition on a Notice of Special Restrictions.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 (Vice President Alba was excused by the Board from participating because he had not been present at the hearing) to **DENY** the request for rehearing.

SPEAKERS: Thomas Karnes, appellant; and Alice Barkley, attorney for permit holder.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 8, 1993 (cont'd.)

APPEAL NO. 93-111

- (3) YOSSEDEK DESTA, Appellant
vs.
S. F. POLICE COMMISSION, Respondent

[Appeal of Police Commission decision on May 18, 1993, that Public Convenience and Necessity has not at this time been established to require the operation of additional taxicab permits (medallions) for which applications have been made.
[RESOLUTION NO. 47-93.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to DENY the request for continuance of Chief Ribera. Then on motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department and GRANT 50 taxicab medallions, five of which will be for paratransit vehicles. Judith Boyajian, Deputy City Attorney, is to prepare specific findings for adoption later.

SPEAKERS: Virginia Cereno, Muni Paratransit Coordinator, for more vehicles for the disabled; David Frankel, Brad Newsham, Rife Denktes, Charles Korbel, John Silverman, Charles Rathbone, Adolfo Cabral, Rula Graffis, Austin Peterson, Joe Morales, Mr. Vryak, Mark Gruberg, Tom Webster, Frank Shakelford, Phil Sterling, Mike Sealey, Hal Muskat, Devin Walker, Gary Silverman, Albert Kovitz, Richmond Lowinsohn, James Kingley McMahon, Anthony Coot, and Al Hall, in support of department; Yossedek Desta, appellant; T. Ketsela, Jewel McGinnes, Tesfaye Tsadik, Bob Jacobs, Herman Trinidad, Bob Migdal, Jote Kejela, Mulugeta Woldemariam, and Sherman de Silva, in support of appellant; Jeffrey Barker and Lieutenant Ed Pecinovsky, for S.F.P.D.

APPEAL NO. 93-197

- (4) CLARA SAIZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on September 28, 1993, for work done at 520 Flood Avenue.
[APPLICATION NO. 9303203.
[FOR HEARING TODAY.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$183.30 for a total of \$366.60.

SPEAKER: Mark Murray for appellant.

APPEAL NO. 93-195

- (5) JOSEPH J. MALTA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty imposed on September 23, 1993, for work done at 545 Burnett Avenue.
[APPLICATION NO. 9303548.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 8, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$102.05 for a total of \$204.10.

SPEAKERS: Joseph Malta, appellant; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 93-193

(6) SHABNAZ MOSTAGHIM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 10, 1993, to Malta
[and Company, permit to Alter
[Building at 545 Burnett Avenue.
[APPLICATION NO. 9303548.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holder shall pay the appellant up to \$1,000.00 for actual expenses for relocation if the appellant vacates the premises by January 31, 1994.

SPEAKERS: Shabnaz Mostaghim, appellant; Vince Malta, property manager for permit holder; Joseph Malta, permit holder; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 93-196

(7) SHELDON MILSTEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 14, 1993,
[of permit to Alter a Building
[at 2559 - 29th Avenue.
[APPLICATION NO. 9303112.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to January 12, 1994 for site visit by Bureau of Building Inspection and Department of City Planning.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Rosalind Gardner, for appellant; Sheldon Milstein, appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 93-169

(8) ELIZABETH WILBER & SALLY PINA,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[August 13, 1993, to the
[Dolores Street Community
[Center at 208 Dolores Street.
[APPLICATION NO. 9313814.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 8, 1993 (cont'd.)

ACTION: WITHDRAWN by both appellants at hearing with the following stipulations by the permit holder:

1. The Community Center will provide written agreement or plan for long term security. This has been done.
2. If possible, when the permit is reinstated, there will be no variances sought without full consultation with the appellants. None are expected.
3. The Center and Mr. Anderson shall work for adequate staffing of the shelter to safeguard the neighbors.

SPEAKERS: Sally Pina and Elizabeth Wilber, appellants; and Charles P. Anderson, President of Board of Directors of Dolores Street Community Services for shelter, the permit holder.

(9) GUY YAGUNOFF, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-194

[Protesting issuance on
[September 20, 1993, to Patrick
[Conlon, permit to Alter a
[Building at 227 Romain Street.
[APPLICATION NO. 9312854.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Steven Camber, attorney for appellant; and Pat Conlon, permit holder.

(10) KATHERINE APPEGARTH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-198

[Protesting issuance on
[September 16, 1993, to Jennie
[& David Pacheco, permit to Alter
[a Building at 68 Mars Street.
[APPLICATION NO. 9309372.
[FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to January 5, 1994 at request of Executive Director with agreement of parties.

(11) HAROLD A. SOLINGER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-199

[Protesting on issuance on
[September 29, 1993, to Michael
[White, permit to Alter Building
[at 55 Ord Street.
[APPLICATION NO. 9309745S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 8, 1993 (cont'd.)

SPEAKERS: Hal Solinger, appellant; Caroline Marenko, in opposition to the project; Michael White, permit holder; and William Schock, Senior Building Inspector for Bureau of Building Inspection.

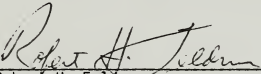
(12) Commissioners' Questions and Comments.

SPEAKERS: None.

(13) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:12 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 15, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Michael Dietzen, dba "Doherty's Pub", requesting that the Board take jurisdiction over denial of mechanical amusement device permit at 1430 Noriega Street.

Date of decision	November 15, 1993
Appeal period ended	November 30, 1993
Request for jurisdiction	December 6, 1993

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to GRANT jurisdiction. Mr. Dietzen has 15 days to file an appeal.

SPEAKERS: None. Mr. Dietzen was present but did not speak.

APPEAL NO. 93-184

THAM M. NGO, dba "HEN NAM
COFFEE SHOP", Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent

[Revocation on August 31, 1993,
[of Mechanical Amusement Device
[permit at 501 Ellis Street.
[FOR HEARING TODAY.

(3)

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 15, 1993 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and REVOKE the permit.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Robert Moore, attorney for appellant.

APPEAL NO. 93-202

(4) JUANA PEREZ-GOMEZ, dba "MANGO" [Denial on September 28, 1993,
SAN MIGUEL", Appellant [of Pushcart Peddler permit to
vs. [operate at the corner of 23rd
S. F. POLICE DEPARTMENT, Respondent [and Mission Streets.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and DENY the permit.

SPEAKERS: Jeffrey Barker, attorney and Lieutenant Stephen Tacchini, for S.F.P.D., and Jerry Klein, agent for appellant; Marty Orlick for Bank of America, in support of the department; and Juana Perez-Gomez, appellant.

APPEAL NO. 93-208

(5) IRVING ZIMMELMAN, dba "ZIMMELMAN" [Denial on October 5, 1993,
& SONS", Appellant [of Second Hand Dealer-State
vs. [permit at 210 Post Street.
S. F. POLICE DEPARTMENT, Respondent [FOR HEARING TODAY.

ACTION: CONTINUED at hearing to **January 12, 1994** for advice from the City Attorney and the Board to review materials submitted by the parties. Additional briefs to be submitted to the Board office and other parties by **January 5, 1994**.

SPEAKERS: Jeffrey Barker, attorney and Sergeant Gudelj, S.F.P.D.; Adam Slote, attorney for appellant; and Irving Zimmelman, appellant.

The Board recessed from 7:20 to 7:29 p.m.

Items 6 and 7 were considered together by the Board with no opposition from the department or public.

APPEAL NO. 93-204

(6) THOMAS DOYLE, Appellant [Appealing for Refund of
vs. [Penalty imposed on October 1,
DEPT. PUBLIC WORKS, Respondent [1993, for work done at
CITY PLANNING APPROVAL [2812 - 21st Street.
[APPLICATION NO. 9303547.
[FOR HEARING TODAY.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$248.30 for a total of \$496.60.

APPEAL NO. 93-209

(7) VICTOR VUONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
October 14, 1993, for work
done at 2918 - 19th Avenue.
APPLICATION NO. 9208792.
FOR HEARING TODAY.]

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$310.70 for a total of \$621.40.

APPEAL NO. 93-200

(8) WILLARD P. JOHNSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 15, 1993,
of permit to Alter a Building
at 566 Kansas Street.
APPLICATION NO. 9308067.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department and GRANT the permit and allow the railing with the CONDITIONS that the roof area not be used as a deck and that a Notice of Special Restrictions be recorded by the permit holder with these conditions in it.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Mark Kertz, attorney for appellants; Willard and Judy Johnson, appellants; Erik Sivesind, attorney for the Pluts; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Richard Plut, John Kearney, Mary Louise Green, Jack Emmetts, neighbors and former neighbors, in support of the department.

APPEAL NO. 93-207

(9) JOHN PARR & DEBORAH KING,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 5, 1993,
of permit to Alter a Building
at 671 Edinburgh Street.
APPLICATION NO. 9315595.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the CONDITION that the permit holder choose one of the alternatives offered by City Planning to legalize the ground floor of the building.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 15, 1993 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator; Philip Parr, appellant's son; Gal Cohen, proposed buyer; and Deborah King, appellant.

(10) HENRY CARLISLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-203
[Protesting issuance on
September 24, 1993, to Jerome
and Holly Suich, permit to Alter
a Building at 2315 Broadway St.
APPLICATION NO. 9315044.
FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by appellant on December 13, 1993.

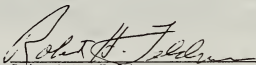
(11) Commissioners' Questions and Comments.

ACTION: Upon motion by Commissioner Chan, the Board voted 5-0 to APPOINT Commissioner Felzer to the task force to review the Code enforcement process.

(12) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Judith Boyajian reported that the Board prevailed in the lawsuit filed by Mr. Hothem. President Bradstreet thanked Ms. Boyajian for her professional efforts in this case.

There being no further business, President Bradstreet adjourned the meeting at 8:49 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 15, 1993

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; William Schock, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Michael Dietzen, dba "Doherty's Pub", requesting that the Board take jurisdiction over denial of mechanical amusement device permit at 1430 Noriega Street.

Date of decision	November 15, 1993
Appeal period ended	November 30, 1993
Request for jurisdiction	December 6, 1993

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to GRANT jurisdiction. Mr. Dietzen has 15 days to file an appeal.

SPEAKERS: None. Mr. Dietzen was present but did not speak.

APPEAL NO. 93-184

THAM M. NGO, dba "HEN NAM
COFFEE SHOP", Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent

[Revocation on August 31, 1993,
[of Mechanical Amusement Device
[permit at 501 Ellis Street.
[FOR HEARING TODAY.

(3)

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and REVOKE the permit.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; and Robert Moore, attorney for appellant.

APPEAL NO. 93-202

- (4) JUANA PEREZ-GOMEZ, dba "MANGO
SAN MIGUEL", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent
- [Denial on September 28, 1993,
[of Pushcart Peddler permit to
[operate at the corner of 23rd
[and Mission Streets.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and DENY the permit.

SPEAKERS: Jeffrey Barker, attorney and Lieutenant Stephen Tacchini, for S.F.P.D.; and Jerry Klein, agent for appellant; Marty Orlick for Bank of America, in support of the department; and Juana Perez-Gomez, appellant.

APPEAL NO. 93-208

- (5) IRVING ZIMMELMAN, dba "ZIMMELMAN
& SONS", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent
- [Denial on October 5, 1993,
[of Second Hand Dealer-State
[permit at 210 Post Street.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to January 12, 1994 for advice from the City Attorney and the Board to review materials submitted by the parties. Additional briefs to be submitted to the Board office and other parties by January 5, 1994.

SPEAKERS: Jeffrey Barker, attorney and Sergeant Gudelj, S.F.P.D.; Adam Slote, attorney for appellant; and Irving Zimmelman, appellant.

The Board recessed from 7:20 to 7:29 p.m.

Items 6 and 7 were considered together by the Board with no opposition from the department or public.

APPEAL NO. 93-204

- (6) THOMAS DOYLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Appealing for Refund of
[Penalty imposed on October 1,
[1993, for work done at
[2812 - 21st Street.
[APPLICATION NO. 9303547.
[FOR HEARING TODAY.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$248.30 for a total of \$496.60.

APPEAL NO. 93-209

(7) VICTOR VUONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 14, 1993, for work
[done at 2918 - 19th Avenue.
[APPLICATION NO. 9208792.
[FOR HEARING TODAY.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$310.70 for a total of \$621.40.

APPEAL NO. 93-200

(8) WILLARD P. JOHNSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 15, 1993,
[of permit to Alter a Building
[at 566 Kansas Street.
[APPLICATION NO. 9308067.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Feizer, the Board voted 5-0 to OVERRULE the department and GRANT the permit and allow the railing with the CONDITIONS that the roof area not be used as a deck and that a Notice of Special Restrictions be recorded by the permit holder with these conditions in it.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Mark Kertz, attorney for appellants; Willard and Judy Johnson, appellants; Erik Sivesind, attorney for the Pluts; William Schock, Senior Building Inspector for Bureau of Building Inspection; and Richard Plut, John Kearney, Mary Louise Green, Jack Emmetts, neighbors and former neighbors, in support of the department.

APPEAL NO. 93-207

(9) JOHN PARR & DEBORAH KING,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 5, 1993,
[of permit to Alter a Building
[at 671 Edinburgh Street.
[APPLICATION NO. 9315595.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the CONDITION that the permit holder choose one of the alternatives offered by City Planning to legalize the ground floor of the building.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 15, 1993 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator; Philip Parr, appellant's son; Gal Cohen, proposed buyer; and Deborah King, appellant.

(10) HENRY CARLISLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 93-203
[Protesting issuance on
September 24, 1993, to Jerome
and Holly Suich, permit to Alter
a Building at 2315 Broadway St.
APPLICATION NO. 9315044.
FOR HEARING TODAY.]

ACTION: WITHDRAWN prior to hearing by appellant on December 13, 1993.

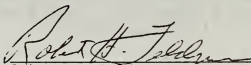
(11) Commissioners' Questions and Comments.

ACTION: Upon motion by Commissioner Chan, the Board voted 5-0 to APPOINT Commissioner Felzer to the task force to review the Code enforcement process.

(12) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Judith Boyajian reported that the Board prevailed in the lawsuit filed by Mr. Hothem. President Bradstreet thanked Ms. Boyajian for her professional efforts in this case.

There being no further business, President Bradstreet adjourned the meeting at 8:49 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JANUARY 5, 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Neil Rains, Assistant Superintendent for Bureau of Building Inspection; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan requested that the order of the calendar be changed to reflect the order in which appeals were filed.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. 93-111, Police Commission Resolution 47-93 (Taxicab Public Convenience & Necessity hearing). Rehearing held December 8, 1993. After discussion, upon motion by President Bradstreet, the Board voted 5-0 to DENY the request for continuance from Chief Ribera. Then on motion by Vice President Alba, the Board voted 5-0 to OVERRULE the Police Commissions' Findings and make findings that the public convenience and necessity require that the Police Department GRANT 50 additional taxicab medallions, five of which will be for paratransit vehicles to serve the disabled.

ACTION: CONTINUED to January 12, 1994; staff was directed to mail copies of the findings to Michael Sealey, Al Hall and Charles Rathbone.

SPEAKERS: Brad Newsham and Charles Rathbone, asking that the consideration be continued so they can comment on the proposed findings.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 5, 1994 (cont'd.)

Items (3A) and (3B) were heard together

APPEAL NO. 93-190

(3A) DENNIS JAFFE & CYNTHIA SCOTT,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on September
[20, 1993, for work done
[at 764 - 766 Asbury Street.
[APPLICATION NO. 9304275.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$183.30 for a total of \$366.60.

APPEAL NO. 93-191

(3B) DENNIS JAFFE & CYNTHIA SCOTT,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on September
[20, 1993, for work done
[at 764 - 766 Asbury Street.
[APPLICATION NO. 9303659.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$183.30 for a total of \$366.60.

SPEAKERS: Dennis Jaffe, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-217

(4) DENNIS LUCCHESI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 13, 1993, for work
[done at 272 Broad Street.
[APPLICATION NO. 8918794.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 3-2 (Vice President Alba and Commissioner Murphy dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of \$352.30 for a total of \$704.60. Four votes are needed and the motion failed. Then on motion by Commissioner Murphy, the Board voted 4-1 (Vice President Alba dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Dennis Lucchesi, appellant; Joe O'Donoghue, in support of appellant; and Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-224

RAYMOND MAK, Appellant
(5) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
November 12, 1993, for work
done at 28-30 Shotwell Street.
[APPLICATION NO. 9312229.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 2-3 (Vice President Alba, Commissioners Chan and Felzer dissented) to uphold the department and sustain the penalty. Then on motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$1,600.00.

SPEAKERS: Raymond Mak, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-225

DONALD BONDARENKO, Appellant
(6) vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
November 4, 1993, for work
done at 1726 Alabama Street.
[APPLICATION NO. 9307776.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-1 (Commissioner Felzer dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$68.50 for a total of \$137.00.

SPEAKERS: Donald Bondarenko, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-230

WANDA CHIU, Appellant
(7) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
December 6, 1993, for work
done at 2248 Vicente Street.
[APPLICATION NO. 9213680.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$150.80 for a total of \$301.60.

SPEAKERS: Wanda Chiu, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-231

- (8) RUSSIAN HILL INVESTORS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL
- [Denial on November 23, 1993,
[by Bureau of Building Inspection
[of a request for extension of
[the start date for foundation
[work for a six-unit condominium
[building at 1035-45 Vallejo St.
[APPLICATION NO. 8806682S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to CONTINUE the matter to **February 23, 1994** for the appellant to submit a letter of intent for financing of the project, with evidence of a drop dead date to fund the loan within 60 days of the date of the letter of commitment, and with any other evidence to show they can entirely finance the project, from Mr. Kendrick's personal resources or other source or sources; with three additional conditions to fence, landscape and drain the site.

SPEAKERS: Steven Vettel, attorney for permit holder; Steve Kendrick, permit holder; Neil Rains, Assistant Superintendent for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Dr. Charlotte Thompson, Gail Schlesinger, Harry O'Brien, Gretchen Berggruen, Jonathan Rice, Peter Salz, Francisco Centurion, Carmella Scaggs, Neilson Rodgers, Putnam Livermore, in opposition to the appeal; and Tom Reese, in favor of the appeal.

APPEAL NO. 93-205

- (9) JOHN BUICK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[September 24, 1993, to J. Guiral,
[permit to Erect a Building (one-
[family home) at 2675 - 25th Avenue.
[APPLICATION NO. 9109308S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: John Buick, appellant; Don Michalksi, for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Alice Barkley, attorney for permit holder; and Anthony Sacco, Joe O'Donoghue, in favor of the project.

APPEAL NO. 93-228

- (10) NOE VALLEY MERCHANTS ASSOC.,
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[November 16, 1993, to Super-
[cuts, Inc., permit to Alter
[a Building at 4031 - 24th Street
[for a haircutting shop.
[APPLICATION NO. 9318517.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Nancy Paraba and Elizabeth Nash, appellants; Mickey and Esa Mohowee, Anthony Sacco, Helen Nocris, Peggy Lonargowicz, Yvonne Bord, Lee Jacoby, in opposition to the project; James Dubey, attorney for permit holder; Nadine Burrell and Scott Shadlich, employees of permit holder; and Olivia Chin, property owner.

APPEAL NO. 93-162

COMMITTEE TO SAVE POPPY LANE,
Appellant

[Appeal of determination by
[the Zoning Administrator based
[on a letter dated April 20, 1993
[by the City Attorney, that Lot
[56 on Assessor's Block 6713,
[101 Poppy Lane, is a buildable
[lot.
[BLDG. PERMIT APP. NO. 9209507S.
[FOR HEARING TODAY.

(11) vs.
ZONING ADMINISTRATOR, Respondent

ACTION: CONTINUED to February 23, 1994 for briefing by the City Attorney's office with copies to the parties by February 11, 1994, on jurisdictional issue.

SPEAKERS: Brett Gladstone, attorney for appellants; Robert Passmore, Zoning Administrator for Department of City Planning; and Alice Barkley, attorney for permit holder.

APPEAL NO. V93-238

CITY OF PARIS RESTAURANT,
Appellant

[Denial on December 9, 1993,
[of Sign (Size and Height)
[Variance sought for property
[located at 550 Geary Street.
[VARIANCE CASE NO. 93.594V.
[FOR HEARING TODAY.

(12) vs.
ZONING ADMINISTRATOR, Respondent

ACTION: WITHDRAWN prior to hearing by letter from attorney for appellant.

(13) Commissioners' Questions and Comments.

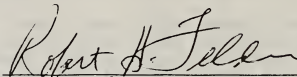
SPEAKERS: None.

(14) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer closed meeting in memory of Father Alfred Boeddeker, founder of St. Anthony's kitchen.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 5, 1994 (cont'd.)

There being no further business, President Bradstreet adjourned the meeting at 10:25 p.m.

A handwritten signature in dark ink, appearing to read "Robert H. Feldman", is written over a horizontal line.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 12, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian and Kate Stacy, Deputy City Attorneys; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan thanked the Board for its responsiveness on the calendar questions she raised last meeting.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS:

ITEM A: Appeal No. 93-111, Police Commission Resolution 47-93 (Taxicab Public Convenience & Necessity hearing). Rehearing held December 8, 1993. After discussion, upon motion by President Bradstreet, the Board voted 5-0 to DENY the request for continuance from Chief Ribera. Then on motion by Vice President Alba, the Board voted 5-0 to OVERRULE the Police Commissions' Findings and make findings that the public convenience and necessity require that the Police Department GRANT 50 additional taxicab medallions, five of which will be for paratransit vehicles to serve the disabled.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to ADOPT amended findings.

SPEAKER: Judith Boyajian, Deputy City Attorney.

REQUEST FOR CLARIFICATION/REHEARING:

ITEM B: Letters from Zoning Administrator and attorneys for appellant, requesting clarification/rehearing of Appeal No. 93-176, 417 Stockton Street, dba "All Seasons

Hotel". Hearing December 1, 1993. Upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to OVERRULE the determination and GRANT the conditional use application as submitted to the Planning Department.

ACTION: CONTINUED prior to hearing to **March 23, 1994** for opinion from the City Attorney's office and review of revised findings.

SPEAKER: Joseph Bravo, attorney for appellant.

ADOPTION OF REVISED FINDINGS:

ITEM C: Appeal No. 93-176, 417 Stockton Street, dba "All Seasons Hotel". Hearing December 1, 1993. The Board voted 4-0 to overrule the Zoning Administrator and to find that under the California Streamlining Act the Conditional Use Application was approved as submitted.

ACTION: CONTINUED prior to hearing to **March 23, 1994** for opinion from the City Attorney's office and review of revised findings.

SPEAKER: Joseph Bravo, attorney for appellant.

APPEAL NO. 93-167

(3) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
Administrator dated August
12, 1993 that conversion of
[the use of the Cornell Hotel
[at 715 Bush Street from mixed
residential and tourist use
[to all tourist use requires
[Conditional Use Authorization
[under the provisions of
[the Planning Code.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 2-2 (Vice President Alba and Commissioner Felzer dissented, Commissioner Murphy excused) to UPHOLD the determination. Four votes being necessary to overrule a department, the determination is deemed upheld by 2-2 vote. President Bradstreet requested the City Attorney's office to prepare findings for adoption later.

SPEAKERS: Andrew Zacks, attorney for appellants; Claude Lambert, appellant; Sabine Lambert, appellant's daughter, Tom Field and Violet Grayson, in support of the appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Kate Stacy and Judith Boyajian, Deputy City Attorneys; and Randy Shaw and Timothy Lee, Tenderloin Housing Clinic; Gordon Chin, Chan Bau Yan, Daniel Hernandez, Dave Fogode, Darryl Higashi, James Brady, Laura Ware, Joshua Simon, in support of the department.

The Board recessed from 6:53 to 7:04 p.m.

APPEAL NO. 93-172

(4) JANE PALECEK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 12, 1993, to Stephen Moore,
[permit to Alter a Building
[at 816 Dolores Street (add deck).
[APPLICATION NO. 9311914.
[FOR FURTHER HEARING TODAY.

ACTION:

After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the following CONDITIONS:

1. The width of the deck shall be cut back two feet so that it is seven feet wide, the maximum over habitable rooms permitted under the Building Code.
2. The deck shall be set in three feet from the south property line, making a fire wall unnecessary. This means the existing deck must be cut back two feet from its south end.
3. The steel spiral stair shall be installed along the north property line and no fire wall is to be required between it and the property line. (This is not a required means of egress, the stair is made of a noncombustible material, and it is alongside a concrete retaining wall, also a noncombustible material.)
4. The plans and deck shall comply with the standards of the Building Code as to railings and other details.
5. The deck will be reframed to move joists up to conform with original design.
6. The deck header on west side shall be raised to allow view through transom window of lower unit.
7. The bottom of the deck shall be painted white as well as any trim. All decking shall be reduced slat.
8. Mr. Moore shall be responsible for any costs involved in relocating any necessary plumbing or electrical wiring in the utility area.
9. Mr. Moore agrees to be responsible for any damage to condominium association property or appellant's property from construction activities.

APPEAL NO. 93-196

(5) SHELDON MILSTEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 14, 1993,
[of permit to Alter a Building
[at 2559 - 29th Avenue (allow
[second unit).
[APPLICATION NO. 9303112.
[FOR FURTHER HEARING TODAY.

ACTION:

After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the CONDITION that the building is brought up to Building Code standards and that all Building Code violations are corrected to insure that the building is safe and habitable. The proposed findings prepared by staff were adopted.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 12, 1994 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-208

(6) IRVING ZIMMELMAN, dba "ZIMMELMAN & SONS", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on October 5, 1993,
[of Second Hand Dealer-State
[permit at 210 Post Street.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the CONDITIONS stated by the attorney for appellant.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Adam Slote, attorney for appellant; Robert Moore, in support of appellant; and Jeffrey Barker, attorney for S.F.P.D.

APPEAL NO. 93-223

(7) ERIC J. FRIEDMAN, Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Revocation September 23,
[1993, of Driver Public
[Passenger Vehicle permit.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and SUSTAIN the revocation.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Nathan Dwiri and Hal Mellegard, in support of the department; Eric Friedman, appellant; and Dr. Stan Lipsitz and Stanley Hotton, in support of the appellant.

APPEAL NO. 93-201

(8) AHDI NASHASHIBI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[September 29, 1993, for work
[done at 99 Magellan Avenue.
[APPLICATION NO. 9315070.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$102.05 for a total of \$204.10.

SPEAKERS: Ahdi Nashashibi, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-212

(9) LEOPOLDO SAAVEDRA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 25, 1993, for work
[done at 1519 Innes Avenue.
[APPLICATION NO. 9213305.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of \$500.00.

SPEAKERS: Angela Saavedra, appellant's wife; Victor Campos, appellant's son; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-227

(10) ROY ADAMS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[November 16, 1993, for work
[done at 543-545 Central Ave.
[APPLICATION NO. 9305938.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to February 2, 1994 for submission of copies of purchase documents.

SPEAKERS: Roy Adams, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-198

(11) KATHERINE APPELGARTH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 16, 1993, to Jennie
[and David Pacheco, permit to
[Alter a Building at 68 Mars St.
[APPLICATION NO. 9309372.
[FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant at hearing.

APPEAL NO. 93-206

(12) BAYVIEW HILL NEIGHBORHOOD ASSOC.,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on October
[1, 1993, to Archie & Sons,
[permit to Alter a Building
[at 5 Bayview Park Road.
[APPLICATION NO. 9317136.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by letter dated January 7, 1994 from appellant.

APPEAL NO. V93-226

(13) AHMAD MOHAZAB, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 22, 1993,
[of Off-Street Parking Variance
[sought for property located
[at 814 - 28th Avenue.
[VARIANCE CASE NO. 93.476V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Edith McMillan, in support of the department; Judith Boyajian, Deputy City Attorney; Amad Mohazab, architect appellant; and Amar and Marince Abraham, property owners.

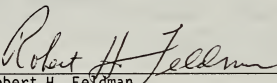
(14) Commissioners' Questions and Comments.

SPEAKERS: None.

(15) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:45 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 2, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Mary Murphy.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan said the architect representing the owner in Appeal No. V93-226 had put words in her mouth.

Joan MacQuarrie reported on the team of building inspectors she led who went to Los Angeles to help survey buildings for earthquake damage; structures built after 1970 stood up well.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Mohammad G. Kashifmian requesting that the Board take jurisdiction over revocation of Driver Public Passenger Vehicle permit based on nonpayment of the license fee.

Date of decision	October 18, 1993
Appeal period ended	November 2, 1993
Request for jurisdiction	January 11, 1994

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to DENY the request for jurisdiction without prejudice.

MINUTES OF THE THE BOARD OF PERMIT APPEALS, FEBRUARY 2, 1994 (cont'd.)

SPEAKERS: Mohammad G. Kashfian, requestor; and Lieutenant Steven Tacchini and Jeffrey Barker, attorney for S.F.P.D. who said the department will allow Mr. Kashfian to reapply for \$85.00.

REQUEST FOR REHEARING:

ITEM B: Letter from Glen Nash, of Noe Valley Merchants, appellants requesting rehearing of Appeal No. 93-228, Supercuts, 4031 - 24th Street. Hearing January 5, 1994. Upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Glen Nash, appellant; and James Dubey, attorney for permit holder.

APPEAL NO. 93-227

(3) ROY ADAMS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
November 16, 1993, for work
done at 543-545 Central Ave.
[APPLICATION NO. 9305938.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$199.55 for a total of \$997.75.

SPEAKERS: Roy Adams, appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-244

(4) LYNNE ELMAN, Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on December 16, 1993,
[of Pushcart Peddler permit
[for sales of essential oils
[in front of 3817 - 24th Street.
[FOR HEARING TODAY.

ACTION: CONTINUED to February 9, 1994 for the owner of the flower shop to testify that she would be willing to move the flowers from the sidewalk in front of her shop to allow more room for the appellant's table.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Lynne Elman, appellant; Howard Lazar, Director of Street Artists Program in support of the department; and Marvin Rains, attorney from Noe Valley in support of appellant.

APPEAL NO. 93-236

- (5) GERARD CRACAS, Appellant
vs.
ART COMMISSION, Respondent
- [Suspension for three weeks
[on December 7, 1993, by the S.F.
[Art Commission of Street Artist
[Certificate for violation of
[Street Artist Ordinance 41-83.
[STREET ARTIST CERT. NO. 1908.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to OVERRIDE the entire decision of the Art Commission and REINSTATED the three week suspension to begin March 1, 1994.

SPEAKERS: Howard Lazar, Director of Street Artists Program; Gerard Cracas, appellant; Sally Rowley, in support of appellant; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 7:00 to 7:10 p.m.

APPEAL NO. 93-237

- (6) MARTIN BUTSCHECK, Appellant
vs.
ART COMMISSION, Respondent
- [Suspension for three weeks
[on December 7, 1993, by the S.F.
[Art Commission of Street Artist
[Certificate for violation of
[Street Artist Ordinance 41-83.
[STREET ARTIST CERT. NO. 3300.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to OVERRIDE the entire decision of the Art Commission and REINSTATED the three week suspension to begin March 1, 1994.

SPEAKERS: None. The appellant was present but did not speak.

APPEAL NO. 93-235

- (7) CHI ICH TRAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[December 16, 1993, for
[work done at 1767-27th Ave.
[APPLICATION NO. 9310040.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Chi Ich Tran, appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-241

(8) ASSUNTA LEONETTI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
December 30, 1993, for work
done at 839 Rutland Avenue.
[APPLICATION NO. 9206084.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Assunta Leonetti, appellant and Otto Pasion, agent for appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-243

(9) ROSALBA RAYGOZA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
December 15, 1993, for work
done at 2619 Folsom Street.
[APPLICATION NO. 9302455.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$232.05 for a total of \$464.10.

SPEAKERS: None. The appellant was present but did not speak.

APPEAL NO. 93-229

(10) KLAUS ZIMMERMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 9, 1993,
[of permit to Alter a Building
[at 2913 - 2915 Octavia Street.
[APPLICATION NO. 9311799.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to **February 16, 1994** in order to allow Commissioner Felzer an opportunity to mediate with the appellant and his neighbors. President Bradstreet then CLOSED the public hearing.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Rosetta and Klaus Zimmerman, appellants; and Terry Lofrano, architect, Florence Lofrano, in support of the department.

APPEAL NO. 93-239

(11) JORDAN K. ATZEFF, Appellant
vs.
DEPT. CITY PLANNING, Respondent

[Denial by the Department of
[City Planning on December 7,
[1993 of an alteration permit
[to legalize the expansion of
[a nonconforming use antique
[furniture restoration business
[at 3100 Steiner Street, dba
["Cow Hollow Woodworks".
[APPLICATION NO. 9310820.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to OVERRULE the department and GRANT the permit. Judith Boyajian, Deputy City Attorney, is to prepare specific findings for adoption later.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Jordan Atzeff, appellant/property owner; Ron Hazelton, lessee; Rico Dell 'Osso, prospective purchaser of business; Joan MacQuarrie, Chief Building Inspector; and Joe O'Donoghue, in support of the appellant.

APPEAL NO. 93-240

(12) SANCHEZ ST. HOMEOWNERS ASSN.,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 16, 1993, to John J.
[Cuneo, permit to Alter a
[Building at 1171 Sanchez St.
[APPLICATION NO. 9307261S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Betty Peskin, Terry Connor, John Sullivan and Richard Saiz, appellants; Debbie Meyers and John Cuneo, permit holders; Richard Crandall, architect for permit holder; Joe O'Donoghue, in support of the project.

APPEAL NO. 94-002

(13) RANDY GEORGE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1994, to Martin Eng,
[permit to Alter a Building
[at 949-953 Lombard Street.
[APPLICATION NO. 9400117.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 2, 1994 (cont'd.)

SPEAKERS: Randy George, appellant; Louis Haas, attorney for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and Robin Eickman, Administrator of Film and Video Arts Commission in support of the permit holder.

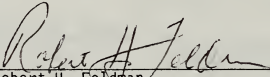
(14) Commissioners' Questions and Comments.

SPEAKERS: None.

(15) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:06 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 9, 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Yossedek Desta reported on the Police Department and taxicab responses to the Board action on Appeal No. 93-111.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Ahmad Mohazab, appellant requesting rehearing of Appeal No. V93-226, 814 - 28th Avenue. Hearing January 12, 1994. Upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and DENY the variance.

ACTION: After discussion, upon motion Vice President Alba, the Board voted 5-0 to GRANT a rehearing and scheduled it for March 9, 1994.

SPEAKERS: Ahmad Mohazab, appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-021

(3) YOSSEDEK M. DESTA, Appellant
vs.
POLICE COMMISSION, Respondent

[Revocation by the Police
[Commission issued on January
[19, 1990 of authorization
[for a motorized rickshaw/
[sightseeing bus permit.
[FOR FURTHER HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 9, 1994 (cont'd.)

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the revocation of the authorization.

SPEAKERS: Yossedek Desta, appellant; and Jeffrey Barker, attorney for S.F.P.D.

APPEAL NO. 93-244

- (4) LYNNE ELMAN, Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent
- [Denial on December 16, 1993,
[of Pushcart Peddler permit
[for sales of essential oils
[in front of 3817 - 24th Street.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department with the condition that the appellant be allowed to display and sell oils as an agent of the owner of the flower shop at 3817 - 24th Street.

SPEAKERS: Myra Montalvo, for appellant; Belinda Dobbs, owner of the flower shop; and Jeffrey Barker, attorney for S.F.P.D.

APPEAL NO. 93-033

- (5) FAGAN "JOE" SMITH, Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent
- [Protesting issuance on
[December 24, 1992, to John
[E. Nazzari, dba "Oh.la.la!",
[Pushcart Peddler permit to
[operate on sidewalk at the
[N/E corner of Van Ness Avenue
[and Grove Street at south end
[of City Hall].
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 2-3 (Commissioners Chan, Felzer and Murphy dissented) to UPHOLD the department and GRANT the permit. Then upon motion by Commissioner Felzer the Board voted 2-3 (President Bradstreet and Vice President Alba dissented) to overrule the department and revoke the permit. Four votes are needed to overrule a department, the motion failed and the department is upheld with the understanding that the cart will locate at Hayes and Van Ness Avenue.

SPEAKERS: Jack Dudum, permit holder; Jeffrey Barker, attorney and Lieutenant Stephen Tachinni, for S.F.P.D.

APPEAL NO. 93-219

(6) MANJEET SINGH, Appellant
vs.
S.F. POLICE DEPARTMENT, Respondent

[Revocation on October 18,
1993, of Driver Public
Passenger Vehicle permit.
FOR HEARING TODAY.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and REVOKE the permit.

SPEAKER: Jeffrey Barker, attorney for S.F.P.D. The appellant did not appear.

APPEAL NO. 93-234

(7) DELBERT WONG, dba "FAMILY
BILLIARDS", Respondent
vs.
S.F. POLICE DEPARTMENT, Respondent

[Suspension (120 days) on November
30, 1993, of Mechanical Amusement
Device permit at 2807 Geary Blvd.
FOR HEARING TODAY.

ACTION: WITHDRAWN on February 7, 1994 by attorney for appellant.

APPEAL NO. 93-221

(8) ROD WESSEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
November 2, 1993, for work
done at 475 Collingwood Street.
APPLICATION NO. 9212459.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the condition that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Rod Wessel and Larry Madsen, appellants; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 93-232

(9) R. CLIFFORD JOHNSTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
December 7, 1993, for work
done at 1555 - 18th Avenue.
APPLICATION NO. 9215445.
FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing at request of appellant to March 9, 1994.

APPEAL NO. 93-233

(10) BARBARA L. KOHN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
December 6, 1993, for work
done at 817-821 Oak Street.
APPLICATION NO. 9311979.
FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 9, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Candyce Kohn, appellant's daughter; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

(11) Annual Election of Officers.

ACTION: Upon motion by Commissioner Murphy, the Board voted 5-0 to re-elect Angela Bradstreet president and Wayne Alba vice president, each to serve one year until the next election.

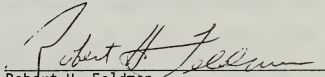
(12) Commissioners' Questions and Comments.

ACTION: On the advice of the City Attorney's Office President Bradstreet and Commissioner Murphy drew randomly to determine who would sit for Appeals 93-187 and 93-188 on February 16, 1994, since both have conflicts of interest in those cases. President Bradstreet was chosen by the random drawing to sit and hear the appeal.

(13) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 7:13 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 16, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 93-229

(2) KLAUS ZIMMERMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 9, 1993,
[of permit to Alter a Building
[at 2913 - 2915 Octavia Street.
[APPLICATION NO. 9311799.
[PUBLIC HEARING CLOSED.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the following CONDITIONS: As agreed to in document submitted by both parties and signed by Terry Lofrano for neighbor and Hawk Lee for permit holders, (1) Lofrano to do flashing installation, (2) northerly bay window to be four feet of clear glass and one foot of obscured glass; and (3) permit holders to record a Notice of Special Restrictions with these conditions contained therein.

President Bradstreet thanked Commissioner Felzer for mediating the agreement between the parties as he said he would.

SPEAKERS: Tony Lofrano, in support of the department; Hawk Lee, engineer for appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 93-175

(3) ROBERT SIU, Appellant
vs.
ART COMMISSION, Respondent

[Suspension for three weeks on
September 13, 1993 for using a
salesperson, and suspension for
two months on December 7, 1993
for selling uncertified goods
by the S.F. Art Commission of
Street Artist Certificate for
violations of Street Artist
Ordinance 41-83, and Appellant
seeks certification of goods for
sale denied by Art Commission.
STREET ARTIST CERT. NO. 4361.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the suspensions to begin on the effective date of the Board decision and OVERRULES on the certification of the belts; he can sell belts that he makes himself.

SPEAKERS: Howard Lazar, Director of Street Artist Program; Sean Mahoney, attorney for appellant; and Robert Siu, appellant.

APPEAL NO. 94-006

(4) ROBERT & VERA POON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING SUSPENSION

[Suspension on January 12, 1994,
of permit to Alter a Building
at 500 Lansdale Avenue (increase
height of top floor).
APPLICATION NO. 9320075.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department and REINSTATE the permit with the CONDITION that the Bureau of Building Inspection shall not issue a Certificate of Final Completion for the entire project unless the tool shed is removed, or there is an agreement between the permit holders and George Lum concerning retention of said tool shed.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Bill Pashelinksy, architect for appellant; Vera Poon, appellant; and Joe O'Donoghue, in support of project; and George Lum and Peter O'Sullivan, in support of department.

The Board recessed from 7:20 to 7:29 p.m.

APPEAL NO. V93-218

(5) WILLIAM F. McDONAGH, JR., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 22, 1993,
[Off-Street Parking Variance
[sought for property located
[at 2310-14 - 22nd Avenue.
[VARIANCE CASE NO. 93.212V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Murphy dissented) to OVERRULE the department and GRANT the variance with findings by William Abend, consultant for appellant and additional findings by President Bradstreet.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Eugene Berg and Robert Berg, in support of the department; and Gregory Rocca, attorney for appellant.

Items (6A) and (6B) were heard together

APPEAL NO. 93-187

(6A) CHARLES MOSSER, Appellant
vs.
CITY PLANNING COMMISSION, Respondent

[Protesting approval on
[September 2, 1993 by the City
[Planning Commission of a major
[alteration of the building at
[801 Market Street under Sections
[309 and 1111.6 of the Planning
[Code to allow a proposed develop-
[ment of a retail/office complex.
[PLANNING COMMISSION MOTION NO.
[13565 ON APPLICATION NO. 91.159XH.
[FOR HEARING TODAY.

APPEAL NO. 93-188

(6B) MERRILL REESE, INC., Appellant
vs.
CITY PLANNING COMMISSION, Respondent

[Protesting approval on
[September 2, 1993 by the City
[Planning Commission of a major
[alteration of the building at
[801 Market Street under Sections
[309 and 1111.6 of the Planning
[Code to allow a proposed develop-
[ment of a retail/office complex.
[PLANNING COMMISSION MOTION NO.
[13565 ON APPLICATION NO. 91.159XH.
[FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing at request of attorney for project sponsor to February 23, 1994.

MINUTES OF THE BOARD OF PERMIT APPEALS, FEBRUARY 16, 1994 (cont'd.)

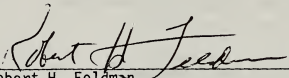
(7) Commissioners' Questions and Comments.

SPEAKERS: None.

(8) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Virginia Conway.

There being no further business, President Bradstreet adjourned the meeting at 7:55 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 23, 1994
5:30 P.M., CITY HALL, ROOM 282 / SF

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 93-231

- (2) RUSSIAN HILL INVESTORS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL
- [Denial on November 23, 1993,
[by Bureau of Building Inspection
[of a request for extension of
[the start date for foundation
[work for a six-unit condominium
[building at 1035-45 Vallejo St.
[APPLICATION NO. 8806682S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-1 (Commissioner Chan dissented) to CONTINUE the matter to May 4, 1994 for the appellant to submit copies of a signed joint venture agreement and documentation of funding for the project. The public hearing was closed.

SPEAKERS: Steve Vettel, attorney for appellant; Stephen Kendrick, appellant; Harry O'Brien, Putnam Livermore, Charlotte Thompson, Jonathan Rice, Peter Salz, in support of the department; and Cesar Vasquez, in support of the project.

APPEAL NO. 93-162

(3) COMMITTEE TO SAVE POPPY LANE,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of determination by
[the Zoning Administrator based
[on a letter dated April 20, 1993
[by the City Attorney, that Lot
[56 on Assessor's Block 6713,
[101 Poppy Lane, is a buildable
[lot.
[BLDG. PERMIT APP. NO. 9209507S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to CONTINUE the matter to **May 4, 1994** as requested by Brett Gladstone for appellant and stipulated to by Alice Barkley, attorney for lot owner Frank Reilly.

SPEAKERS: Brett Gladstone, attorney for appellant; Alice Barkley, attorney for project sponsor; Frank Reilly, lot owner; and Judith Boyajian, Deputy City Attorney, who said that the City Attorney will review its earlier opinion on this matter and that this delay does not prevent the owner from filing or the City from reviewing any building permit application for this lot during this period.

APPEAL NO. 93-242

(4) MICHAEL DIETZEN, dba "DOHERTY'S
NO MERCY SALOON", Appellant
vs.
S. F. POLICE DEPARTMENT, Respondent

[Denial on November 15, 1993,
[of Mechanical Amusement Device
[permit at 1430 Noriega Street.
[FOR HEARING TODAY.

ACTION: WITHDRAWN WITHOUT PREJUDICE at hearing by appellant after the Police Department said he may reapply for the permit without paying another fee.

SPEAKERS: Jeffrey Barker, attorney and Lieutenant Stephen Tacchini for S.F.P.D.; and Michael Dietzen, appellant.

APPEAL NO. 94-005

(5) EFRAIN RODRIGUEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on January
[13, 1994, for work done at
[2623 Folsom Street.
[APPLICATION NO. 92?0842.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$215.80 for a total of \$431.60.

SPEAKERS: Efrain Rodriguez, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-011

- (6) ALFRED J. SANCHEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Appealing for Refund of
[Penalty imposed on February
[9, 1994, for work done at
[625 Polk Street, "California
[Culinary Academy".
[APPLICATION NO. 9319371.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty. The appellant did not appear.

APPEAL NO. 94-004

- (7) MARK HAMILTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL
- [Denial on January 12, 1994,
[of permit to Alter a Building
[at 644-648 Fillmore Street
[(legalize existing fourth
[floor of occupancy).
[APPLICATION NO. 9316671.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the finding that the fourth floor has always been habitable space.

SPEAKERS: Mark Hamilton, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-001

- (8) FON OCK & WAH JIN TOY, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[December 22, 1993, to Wong Hong,
[permit to Alter a Building
[at 226 - 228 Balboa Street
[(relocation of bathrooms and
[stairway and addition of
[skylights).
[APPLICATION NO. 9320872.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by appellants, parties signed written agreement, as well as their attorneys, Siu Ma for permit holder and Thomas W. Kemp for appellants, both of whom were present.

- (9) Consideration of proposed department budget for Fiscal Year 1994-1995.

The Board discussed the budget and the possibility of deleting the item which covers Commissioners' fees.

(10) Commissioners' Questions and Comments.

SPEAKERS: None.

Items (11A) and (11B) shall be heard together

APPEAL NO. 93-187

(11A) CHARLES MOSSER, Appellant
vs.
CITY PLANNING COMMISSION, Respondent

[Protesting approval on
[September 2, 1993 by the City
[Planning Commission of a major
[alteration of the building at
[801 Market Street under Sections
[309 and 1111.6 of the Planning
[Code to allow a proposed develop-
[ment of a retail/office complex.
[PLANNING COMMISSION MOTION NO.
[13565 ON APPLICATION NO. 91.159XH.
[FOR HEARING TODAY.

APPEAL NO. 93-188

(11B) MERRILL REESE, INC., Appellant
vs.
CITY PLANNING COMMISSION, Respondent

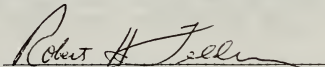
[Protesting approval on
[September 2, 1993 by the City
[Planning Commission of a major
[alteration of the building at
[801 Market Street under Sections
[309 and 1111.6 of the Planning
[Code to allow a proposed develop-
[ment of a retail/office complex.
[PLANNING COMMISSION MOTION NO.
[13565 ON APPLICATION NO. 91.159XH.
[FOR HEARING TODAY.

ACTION: RESCHEDULED to March 2, 1994 at request of President Angela Bradstreet to allow more time for City Attorney's Opinion on the conflict of interest question.

(12) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 7:10 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 2, 1994

5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan testified on a rehearing scheduled for March 9, 1994.

Before consideration of Items 2A and 2B the Board excused President Bradstreet from participating because of a conflict of interest. President Bradstreet then left the dais and Vice President Alba presided thereafter.

Then Commissioner Murphy explained that the City Attorney had advised her and the Board that although her firm represents the architect for the Pacific Center Project that the Rule of Necessity requires that she must sit and hear these cases. She described at length her discussions of this situation with the attorneys of the parties and her site visit to 801 Market Street.

Items (2A) and (2B) were heard together

APPEAL NO. 93-187

CHARLES MOSSER, dba "VICTORIAN
(2A) HOTEL", Appellant
vs.
CITY PLANNING COMMISSION, Respondent

[Protesting approval on
[September 2, 1993 by the City
[Planning Commission of a major
[alteration of the building at
[801 Market Street under Sections
[309 and 1111.6 of the Planning
[Code to allow a proposed develop-
[ment of a retail/office complex
[(Pacific Center).
[PLANNING COMMISSION MOTION NO.
[13565 ON APPLICATION NO. 91.159XH.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 2, 1994 (cont'd.)

ACTION: WITHDRAWN prior to hearing by attorney for appellant after reaching an agreement with the project sponsor regarding construction noise.

SPEAKER: David Cincotta, attorney for appellant.

APPEAL NO. 93-188

(2B) MERRILL REESE, INC., dba "MERRILL'S
DRUG STORES", Appellant
vs.
CITY PLANNING COMMISSION, Respondent

[Protesting approval on
[September 2, 1993 by the City
[Planning Commission of a major
[alteration of the building at
[801 Market Street under Sections
[309 and 1111.6 of the Planning
[Code to allow a proposed develop-
[ment of a retail/office complex
[(Pacific Center).
[PLANNING COMMISSION MOTION NO.
[13565 ON APPLICATION NO. 91.159XH.
[FOR HEARING TODAY.

Before beginning the public hearing Vice President Alba called on the Executive Director to poll the Board on whether each had reviewed and considered the Final E.I.R. for the project. The four Commissioners each answered "aye" when polled.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to UPHOLD the Planning Commission and GRANT approval with a CONDITION: Condition 1A as set forth in Exhibit A of Planning Commission Motion 13565 is hereby amended by the addition of the underscored language in the last sentence as follows:

"The project shall include a neighborhood-serving variety/drugstore of a standard prototypical size in the industry, unless such use is already provided within 400 feet of the Project, measured to the east and west along the south line of Market Street and to the south, at the time of issuance of the first certificate of occupancy."

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Charles Olson, attorney for project sponsor; Piero Patri, architect for project sponsor; Bill Worthington, for project sponsor; Ivan Gold, attorney for appellant; Sue Hestor, Gisette Knight, in opposition to the project; Edith McMillan, in favor of the project; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

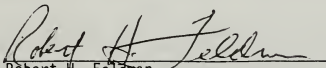
(3) Commissioners' Questions and Comments.

SPEAKERS: None.

(4) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, Vice President Alba adjourned the meeting at 7:50 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MAR 14 1994

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 9, 1994

5:30 P.M., CITY HALL, ROOM 282

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Yossedek Desta, appellant requesting rehearing of Appeal No. 90-021, revocation of authorization for motorized rickshaw/sightseeing bus permit. Hearing February 9, 1994. Upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the revocation of the authorization.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to DENY the request for rehearing. The appellant did not appear.

SPEAKER: Judith Boyajian, Deputy City Attorney.

ITEM B: Rehearing request from Andrew Zacks, attorney for appellant, Appeal No. 93-167, The Cornell Hotel at 715 Bush Street, of determination by the Zoning Administrator that conversion of the use of the building from mixed residential and tourist use to all tourist use requires conditional use authorization. Hearing January 12, 1994. Upon motion by President Bradstreet, the Board voted 2-2 (Vice President Alba and Commissioner Felzer dissented, Commissioner Murphy excused) to UPHOLD the determination. Four votes being necessary to overrule a department, the department is deemed upheld by a 2-2 vote. President Bradstreet requested the City Attorney's office to prepare findings for adoption later.

MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 9, 1994 (cont'd.)

ACTION: RESCHEDULED prior to hearing at request of the Board to **March 23, 1994** in order to consolidate pending matters.

APPEAL NO. V93-226

- (3) AHMAD MOHAZAB, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Denial on October 22, 1993,
[of Off-Street Parking Variance
[sought for property located
[at 814 - 28th Avenue.
[VARIANCE CASE NO. 93.476V.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Ahmad Mohazab, appellant; and Edith McMillan, in support of the department.

APPEAL NO. 93-232

- (4) R. CLIFFORD JOHNSTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[December 7, 1993, for work
[done at 1555 - 18th Avenue.
[APPLICATION NO. 9215445.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$118.30 for a total of \$591.50.

SPEAKERS: R. Clifford Johnston, appellant; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 94-012

- (5) LINCOLN LEE & DIEGO MONTOYA,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[January 28, 1994, for work
[done at 815 - 817 South Van
[Ness Avenue.
[APPLICATION NO. 9312759.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to six times the regular fee of \$183.30 for a total of \$1,099.80.

SPEAKERS: Lincoln Lee and Diego Montoya, appellants; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 94-007

(6) RENE E. PEINADO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on January 24, 1994,
[of permit to Alter a Building
[at 2148 Sutter Street.
[APPLICATION NO. 9319889.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the finding that the fourth floor has always been habitable space as stated in the letter from Bruno Gi-berti, architectural historian, dated November 23, 1993.

SPEAKERS: Rene Peinado, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspector.

The Board recessed from 6:48 to 6:59 p.m.

APPEAL NO. 94-008

(7) MIA MUSGROVE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 18, 1994,
[of permit to Alter a Building
[at 16 Edgehill Way.
[APPLICATION NO. 9400004.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and GRANT the permit with additional findings by President Bradstreet, and allow 3'3" to be restored to the height of the ridge at the rear, increasing it from 295' to 298'3" with the following CONDITIONS:

1. The rear height from the top of ridge (298'3") to average grade (248'3") shall remain at 50'.
2. Hours of construction shall be 8:00 a.m. to 6:00 p.m., Monday through Friday, no weekends.
3. Appellant shall shingle the rear wall to within two feet of the foundation.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Bud Wilson, Barbara Landt, Kathy Darby, Gertude Roth and Anita Theoharis, in support of the department; Mia Musgrove, appellant; Daniel Mallen, agent for appellant; and Guy Chambers, architect for appellant.

APPEAL NO. V94-009

(8) RUFINO & ALICIA HERNANDEZ,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on January 27, 1994,
[of Rear Yard Variance sought
[for property located at
[1052 - 1054 Hampshire Street.
[VARIANCE CASE NO. 93.576V.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 9, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Karen Cliffe, in support of the department; Rufino Hernandez, appellant; and Luis Hernandez, interpreter for appellant.

(9) Commissioners' Questions and Comments.

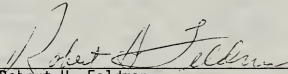
SPEAKERS: Commissioner Murphy requested that the Board set aside time to discuss the Building Code Task Force.

Commissioner Felzer reported on the recent Task Force meeting he attended and requested that staff obtain copies of agendas and minutes of meetings for the Board members.

(10) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 8:59 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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3/23/94
MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 23, 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Ivan M. Gold, attorney for appellant, Merrill Reese, Inc., requesting rehearing of Appeal No. 93-188, Pacific Center at 801 Market Street. Hearing March 2, 1994. Upon motion by Vice President Alba, the Board voted 4-0 (President Bradstreet excused) to UPHOLD the Planning Commission and GRANT approval with a CONDITION: Condition 1A as set forth in Exhibit A of Planning Commission Motion 13565 is hereby amended by the addition of the underscored language in the last sentence as follows:

"The project shall include a neighborhood-serving variety/drugstore of a standard prototypical size in the industry, unless such use is already provided within 400 feet of the Project, measured to the east and west along the south line of Market Street and to the south, at the time of issuance of the first certificate of occupancy."

President Bradstreet stepped down and sat in the audience. She had been excused from participating by a unanimous Board vote on March 2, 1994 because of a conflict of interest.

MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 23, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Ivan Gold, attorney for appellant; Bob Thompson, attorney for project sponsor; and Judy Boyajian, Deputy City Attorney.

At 5:54 p.m. President Bradstreet resumed her seat and presided thereafter.

ITEM B: Letter from Alfred J. Sanchez, appellant, requesting rehearing of Appeal No. 94-011, California Culinary Academy at 625 Polk Street. Hearing February 23, 1994. Upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty. The appellant did not appear.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to GRANT rehearing and scheduled it for April 20, 1994.

SPEAKERS: Thomas Ahrens, contractor for permit holder; and Alfred Sanchez, consultant for permit holder.

ADOPTION OF FINDINGS/REQUEST FOR CLARIFICATION/REHEARING:

ITEM C: Appeal No. 93-176, All Seasons Hotel at 417 Stockton Street. Appeal of Zoning Administrator's determination concerning inadequacy of notice given by All Seasons Hotel under California Government Code and City Planning Code for invocation of California Streamlining Act for conversion of hotel to full tourist use without Conditional Use Authorization by Planning Commission. Hearing December 1, 1993. Upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to OVERRULE the Zoning Administrator and find that under the California Streamlining Act the Conditional Use Application was approved as submitted.

1. Findings prepared by City Attorney's Office. (Three votes are necessary for adoption of findings.)

2. Letters from Andrew Zacks and Joseph Bravo, attorneys for Harsch Investment Corporation, dba "All Seasons Hotel" and from Robert Passmore, Zoning Administrator, requesting rehearing. (Four votes are necessary for granting rehearing.)

ACTION: Commissioner Murphy stepped down and sat in the audience. She had been excused by a unanimous Board vote on December 1, 1993 because of a conflict of interest. After discussion, upon motion by President Bradstreet, the Board voted 4-0 to DENY the request for rehearing from the appellant of Appeal No. 93-176. Robert Passmore, the Zoning Administrator, WITHDREW his request for rehearing of Appeal No. 93-176 at this time.

Then after further discussion, upon motion by President Bradstreet, the Board voted 4-0 to recalendar the Request for Rehearing of Appeal 93-036, conditionally withdrawn by the Appellant on December 1, 1993, to be set for consideration on April 6, 1994 (changed to April 20, 1994 after meeting to insure consideration by a four-member Board).

Upon motion President Bradstreet, the Board voted 4-0 to adopt the findings prepared by the City Attorney's Office for Appeal No. 93-176.

SPEAKERS: Paul Utrecht and Andrew Zacks, attorneys for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Judith Boyajian, Deputy City Attorney.

ADOPTION OF FINDINGS/REQUEST FOR REHEARING:

ITEM D: Appeal No. 93-167, The Cornell Hotel at 715 Bush Street, appeal of determination by the Zoning Administrator that conversion of the use of the building from mixed residential and tourist use to all tourist use requires conditional use authorization. Hearing January 12, 1994. Upon motion by President Bradstreet, the Board voted 2-2 (Vice President Alba and Commissioner Felzer dissented, Commissioner Murphy excused) to UPHOLD the determination. Four votes being necessary to overrule a department, the department is deemed upheld by a 2-2 vote. President Bradstreet requested the City Attorney's Office to prepare findings for adoption later.

1. Findings prepared by City Attorney's Office. (Three votes are necessary for adoption of findings.)

2. Letter from Andrew Zacks, attorney for The Cornell Hotel, requesting rehearing. (Four votes are necessary for granting rehearing.)

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to GRANT rehearing limiting the testimony to number of rooms included in 1968 and the issue of abandonment of the nonconforming use. The matter was scheduled for April 20, 1994. The findings were not acted upon.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Andrew Zacks, attorney for appellants; Judith Boyajian and Kate Stacy, Deputy City Attorneys; and Claude Lambert, appellant.

Commissioner Murphy resumed his seat at 6:33 p.m.

APPEAL NO. 94-013

(3) PING LI, Appellant	[Imposition of Penalty on
vs.	[January 28, 1994, for work
DEPT. PUBLIC WORKS, Respondent	[done at 483 Vernon Street.
CITY PLANNING APPROVAL	[APPLICATION NO. 9321093.
	[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Ping Li, appellant; Thomas Li, for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

MINUTES OF THE BOARD OF PERMIT APPEALS, MARCH 23, 1994 (cont'd.)

APPEAL NO. 94-014

(4) AURELIO VELASCO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
February 15, 1994, for work
done at 831 London Street.
[APPLICATION NO. 9317441.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Chan dissented) to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Aurelio Velasco, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-020

(5) TAN YEUNG LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
Penalty imposed on February
17, 1994, for work done at
286 Goettingen Street.
[APPLICATION NO. 9315768.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$215.80 for a total of \$431.60.

SPEAKERS: Tan Yeung Lee, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:01 to 7:09 p.m.

APPEAL NO. V94-018

(6) DANIEL RAY BACON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 9, 1994,
[of Rear Yard Variance sought
for property located at
567 - 573 Hayes Street.
[addition at rear)
[VARIANCE CASE NO. 92.589V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to CONTINUE the matter to April 20, 1994 to allow for a report by the Bureau of Building Inspection on the subject property and the work being done there.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Linda Steigenwald, Linda and Ira Campbell, in support of the department; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Daniel Ray Bacon, appellant; Anthony Lepa, contractor for appellant; and John Jorgl, in favor of appellant.

APPEAL NO. 94-019

(7) HOTEL & RESTAURANT EMPLOYEES
LOCAL #2, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of the Zoning Administra-
tor's determination dated Febru-
ary 10, 1994 that the work shown
in the modified plans for the
renovation of the Sir Francis
Drake Hotel at 450 Powell Street
is a minor alteration under
Section 1111 of the City Planning
Code.
[APPLICATION NO. 9322367.
[FOR HEARING TODAY.

Upon motion by Commissioner Murphy, the Board voted 5-0 to excuse Commissioner Murphy because of a conflict of interest. Commissioner Murphy left the hearing room at 7:48 p.m. and did not return.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to UPHOLD the determination that the renovation of the Sir Francis Drake is a minor alteration under Section 1111 of the City Planning Code with the CONDITION that the permit holder shall retain the bronze retail enframements on the facade of the restaurant.

SPEAKERS: Sue Hestor, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; G. Bland Platt, consultant to appellant; Anna Shimko, attorney for permit holder; Bruce Clymer, for Kimco Management Company; and Hans Baldauf, architect for permit holder.

(8) Commissioners' Questions and Comments.

SPEAKERS: None.

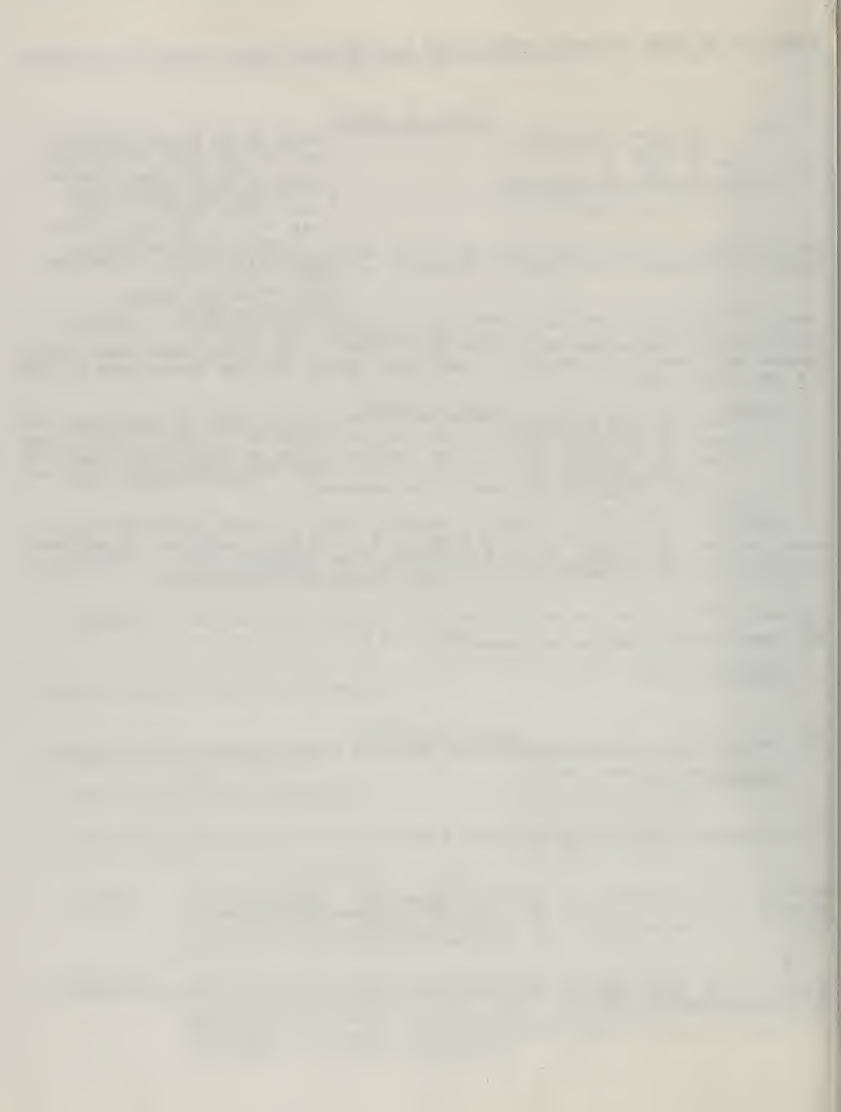
(9) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 8:30 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



1511
MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 6, 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESIDENT: President Angela Bradstreet, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Vice President Wayne Alba.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Rufino Hernandez, appellant, requesting rehearing of Appeal No. V94-009, 1052 - 1054 Hampshire Street. Hearing March 9, 1994. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and DENY the rear yard variance.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to DENY the request for rehearing.

SPEAKERS: Rufino Hernandez, appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

Items 2B, 2C, 2D, and 2E were considered together by the Board with no opposition from the departments or public.

ADOPTION OF FINDINGS:

ITEM B: Appeal No. V93-086, 38 Samoset Street. Hearing November 10, 1993. Upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department and GRANT the variance with findings by President Bradstreet and the CONDITION that a one-hour firewall shall be installed along the property line and deck brought into compliance with Building Code requirements. (Findings by appellant)

ACTION: Upon motion by President Bradstreet, the Board voted 4-0 to ADOPT findings.

SPEAKERS: None.

ITEM C: Appeal No. V93-170, 2115 - 2117 22nd Street. Hearing November 10, 1993. Upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department and GRANT the variance with findings and the CONDITION that a hydraulic parking lift shall be used to meet the parking requirements to allow retention of the third dwelling unit. (Findings by City Attorney)

ACTION: Upon motion by President Bradstreet, the Board voted 4-0 to ADOPT findings.

SPEAKERS: None.

ITEM D: Appeal No. V93-211, 47 Skyview Way. Hearing December 1, 1993. Upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Murphy dissented) to OVERRULE the department and GRANT the variance with findings by President Bradstreet and allow the deck with the CONDITION that the deck be cut back three feet and no sunroom shall be constructed unless it meets with the Building and Planning Codes. (Findings by City Attorney)

ACTION: Upon motion by President Bradstreet, the Board voted 4-0 to ADOPT findings.

SPEAKERS: None.

ITEM E: Appeal No. 93-239, 3100 Steiner Street. Hearing February 2, 1994. Upon motion by Vice President Alba, the Board voted 4-0 (Commissioner Murphy absent) to OVERRULE the department and GRANT the alteration permit application to legalize the expansion of the nonconforming use antique furniture restoration business, dba "Cov Hollow Woodworks". (Findings by City Attorney)

ACTION: Upon motion by President Bradstreet, the Board voted 4-0 to ADOPT findings.

SPEAKERS: None.

APPEAL NO. 94-022

- (3) ROSEMARIE PICONE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
March 7, 1994, for work
done at 1315 - 29th Avenue.
APPLICATION NO. 9207560.
FOR HEARING TODAY.]

ACTION: After discussion, Mr. Hutchinson announced that the Bureau would withdraw its penalty in this case. The appeal is deemed ADMINISTRATIVELY WITHDRAWN.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Rosemarie Picone, appellant.

APPEAL NO. 94-024

- (4) MICHAEL VAN BRUNT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
March 16, 1994, for work
done at 737 Hyde Street.
APPLICATION NO. 9311094.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$215.80 for a total of \$431.60, based on cost of work done of \$2,750.00.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Michael Van Brunt, appellant.

APPEAL NO. 94-026

- (5) EPIFANIO ALCANTAR, Respondent
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
March 9, 1994, for work
done at 250 Munich Street.
APPLICATION NO. 9308808.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to four times the regular fee of \$248.30 for a total of \$993.20.

SPEAKERS: Robert Alcantar, appellant's son; Epifanio Alcantar, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-027

- (6) TERRY C. FUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
March 16, 1994, for work
done at 127 Amazon Avenue.
APPLICATION NO. 9317565.
FOR HEARING TODAY.]

MINUTES OF THE BOARD OF PERMIT APPEALS, APRIL 6, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to four times the regular fee of \$215.80 for a total of \$863.20.

SPEAKERS: Irene Yu, agent for appellant; Terry Fung, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-015

(7) ALICE LANE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on February 15, 1994,
[of permit to Alter a Building
[at 1592 Golden Gate Avenue.
[APPLICATION NO. 9318417.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to OVERRULE the department and GRANT the permit with the CONDITIONS that the appellant will modify the plans as shown in Exhibit A, marked in purple marker by President Bradstreet, to delete the wall between the dining area and the corridor; and that the appellant will record on the land records a Notice of Special Restrictions to insure that the flat on the second floor of the subject building will be used only as a single-family dwelling unit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Lafayette Jamerson, for appellant.

APPEAL NO. 94-023

(8) MING G. TO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION REVOCATION

[Revocation on March 8, 1994,
[of permit to Alter a Building
[at 415 - 44th Avenue.
[APPLICATION NO. 9020569S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRULE the department and REINSTATE the permit with findings as stated by Commissioner Chan.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for Department of City Planning; Rosemarie Shishkin; O.C. Jacobs, in support of the department; Alice Barkley, attorney for appellant; and Joe O'Donoghue, in support of appellant.

The Board recessed from 7:21 to 7:30 p.m.

Items (9A) and (9B) were heard together

APPEAL NO. 94-028

(9A) ANDRE & EVELINA DEOCARES-LENGYEL,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 3, 1994, to Yvette
[Properties, permit to Demolish
[a Single-Family Dwelling at
[350 - 25th Avenue.
[APPLICATION NO. 9309019.
[FOR HEARING TODAY.

APPEAL NO. 94-029

(9B) ANDRE & EVELINA DEOCARES-LENGYEL,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 3, 1994, to Yvette
[Properties, permit to Erect
[a Three-Unit Dwelling at
[350 - 25th Avenue.
[APPLICATION NO. 9309018S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD department and GRANT the permits.

SPEAKERS: Evelina Deocares-Lengyel, appellant; Alice Barkley, attorney for permit holder; Joe O'Donoghue, in support of permit holder; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 94-016

(10) HAU SEC HA, dba "RUSS DRY CLEANING",
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation of Section 186
[of the Planning Code by the
[Zoning Administrator dated
[January 31, 1994 limiting the
[use of the property at 1515
[Waller Street to a nonconforming
[dry cleaners and laundry estab-
[lishment and not to serve as
[an industrial laundry service
[for other businesses.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to UPHOLD the determination.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Marianne Brisbane, agent for appellant; and Hau Sec Ha, appellant.

MINUTES OF THE BOARD OF PERMIT APPEALS, APRIL 6, 1994 (cont'd.)

- (11) **Commissioners' Comments and Questions:** Code Enforcement Reform Task Force materials.

SPEAKER: Commissioner Felzer again invited other Board members to attend a Building Code Amendment Task Force meeting with him. Commissioner Chan asked the staff to calendar discussion of the Task Force soon.

- (12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan requested that the Board consider amending its rules to allow concerned neighbors to testify more than once at a hearing and to be able to request a rehearing even though they are not principals. in an appeal.

- (13) **Closed Session:** Discussion of whether outside counsel should attend a settlement meeting at the Department of City Planning on Monday, April 11, 1994 at 2:30 p.m.

Existing litigation:

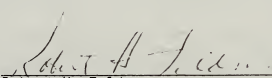
Superior Court No. 952391
Petition for Writ of Mandamus
[C.C.P. §1094.5]

CCSF, a Municipal Corp., Petitioner
vs.

BPA of the CCSF and Does 1 through 20, Respondents
Patrick Media Group, Inc. and Does 21 through 40,
inclusive, Real Parties in Interest

ACTION: After discussion, the Board said that it was not necessary for Steve Atkinson of Baker and McKenzie to attend the settlement conference on Monday, April 11, 1994 and asked that the Executive Director attend. President Bradstreet said that she would be available by telephone at that time.

There being no further business, President Bradstreet adjourned the meeting at 8:10 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

DOCUMENTS DEPT.

APR 26 1994

WEDNESDAY, APRIL 20, 1994

5:30 P.M., CITY HALL, ROOM 282

SAN FRANCISCO
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MINUTES

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian and Kate Stacy, Deputy City Attorneys; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Commissioner Felzer indicated that the Jeremiah O'Brien was on its way to Normandy for 50th anniversary of D-Day and that he would be there for the celebration in June.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Brief from Joseph K. Bravo and Andrew M. Zacks, attorneys for appellant, Harsch Investment Company, requesting rehearing of Appeal No. 93-036, for All Seasons Hotel at 417 Stockton Street. Hearing August 17, 1993. Upon motion by President Bradstreet, the Board voted 3-2 (Vice President Alba and Commissioner Felzer dissented) to UPHOLD the Zoning Administrator with amended findings.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (President Bradstreet and Commissioner Chan dissented, Commissioner Murphy excused) to grant rehearing. Four votes are needed, the motion failed and the request is DENIED.

SPEAKERS: Paul Utrecht, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Randy Shaw, Tenderloin Housing Clinic, in support of the department.

ITEM B: Letter from Sue C. Hestor, attorney for appellant, Hotel Employees and Restaurant Employees Local 2, requesting rehearing of Appeal No. 94-019, Sir Francis Drake Hotel at 450 Powell Street. Hearing March 23, 1994. Upon motion by Commis-

MINUTES OF THE BOARD OF PERMIT APPEALS, APRIL 20, 1994 (cont'd.)

sioner Chan, the Board voted 4-0 (Commissioner Murphy excused) to UPHOLD the determination that renovation of the Sir Francis Drake is a minor alteration under Section 1111 of the City Planning Code with the CONDITION that the permit holder shall retain the bronze retail enframements on the facade of the restaurant.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Murphy excused) to DENY the request for rehearing.

SPEAKERS: Sue Hestor, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Anna Shimko, attorney for permit holder.

APPEAL NO. V94-018

(3) DANIEL RAY BACON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 9, 1994,
[of Rear Yard Variance sought
[for property located at
[567 - 573 Hayes Street.
[(addition at rear)
[VARIANCE CASE NO. 92.589V.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department and GRANT the variance with findings.

SPEAKERS: Linda Steigenwald, in support of the department; Daniel Ray Bacon, appellant; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 93-167

(4) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August
[12, 1993 that conversion of
[the use of the Cornell Hotel
[at 715 Bush Street from mixed
[residential and tourist use
[to all tourist use requires
[Conditional Use Authorization
[under the provisions of
[the Planning Code.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to OVERRULE the determination as to the number of hotel rooms designated for residential use from 31 to 24 and to uphold the determination that conditional use authorization is required to convert these rooms to tourist use. The Board requested the City Attorney's Office to prepare findings for adoption.

SPEAKERS: Andrew Zacks, attorney for appellant; Claude Lambert, appellant; Thomas Asher, Edward Flery, Franklin Hirsch, Danielle Carrier, Father Bernard Grisel, George Snow, David Maxwell, in support of appellant; Robert Passmore, Zoning Administrator for Department of City Planning, Kate Stacy, Deputy City Attorney; Randy Shaw, Tenderloin Housing Clinic, Bau Ying Chan, Reverend Norman Fong, Robin Snyderman, Mission Housing Development Corporation, Don Falk, TND Corporation, and Sue Hestor, in support of the department.

The Board recessed from 7:43 to 7:57 p.m.

APPEAL NO. 94-021

(5) RICHARD SAN MAMES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on February
[23, 1994, for work done at
[1112 Capitol Avenue.
[ELEC. PERMIT NO. E124211.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$65.25 for a total of \$326.25.

SPEAKERS: Richard San Mames, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-017

ARCHBISHOP RIORDAN HIGH SCHOOL,
Appellant

(6) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on February 16, 1994,
[of permit to Erect a Sign
[at 175 Phelan Avenue.
[APPLICATION NO. 9321757.
[FOR HEARING TODAY.

President Bradstreet moved to be excused from participation because her firm represents the Archdiocese. The Board unanimously voted to excuse her and she stepped down from the dais and sat in the audience during this hearing.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 (President Bradstreet excused) to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Father Timothy Kenney, for appellant; Tony Pantaleoni, architect for for appellant; Moses Madona, Rotea Gilford, in support of appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 94-031

(7) ROBERT WARD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 3, 1994,
[of permit to Alter a Building
[at 174 Madrid Street (legalize
[additional dwelling unit).
[APPLICATION NO. 9322597.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Murphy dissented) to OVERRULE the department and GRANT the permit with findings.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Robert Ward, appellant.

APPEAL NO. 94-034

(8) THOMAS KELLIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 9, 1994, to Patricia
[Dinner, permit to Erect a
[Garage at 1166 Filbert Street.
[APPLICATION NO. 9313407S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holder shall install signage to protect the appellant's parking spaces and will indicate that violators will be towed.

SPEAKERS: Gwen Dowdy and Thomas Kellis, appellant; Mark Kessler, architect for for permit holder; Richard Shapiro, attorney for permit holder; and Albert Seto, contractor for permit holder.

APPEAL NO. 94-030

(9) PC WORLD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing determination by the
[Zoning Administrator dated
[March 8, 1994 that a sign
[application for an internally
[illuminated wall sign more than
[24 feet in height on the building
[at 501 Second Street, a contri-
[butory building within the South
[End Historic District, fails
[to meet the sign provisions
[of the City Planning Code and
[that neither a variance nor a
[conditional use application
[may be filed with the Department
[of City Planning.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the determination.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Gardner Hemphill, William Shoemaker, Arthur Meader, Garrett Sanford, John Gott, in support of department; David Cincotta, attorney for appellant; Pat Kenealy, President of PC World; and Bill Fehr, sign designer for appellant.

(10) Commissioners' Comments and Questions:

ACTION: The Board asked staff to reschedule discussion of these two matters to a later date because of the lateness of the hour.

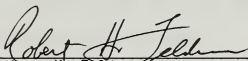
(a) Discussion of Building Code Enforcement Task Force (Commissioner Felzer).

(b) Daly City Homesafe Program (Commissioner Chan).

(11) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

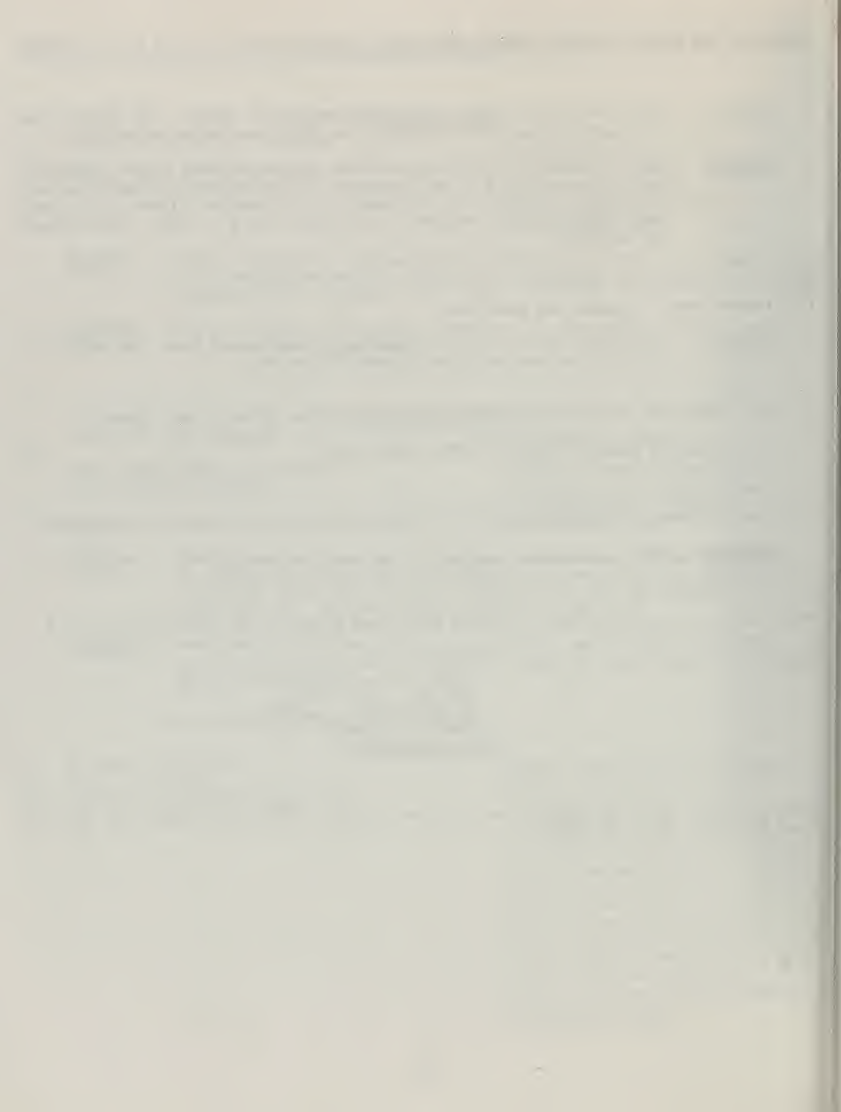
SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:17 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 4, 1994

5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.

MAY 10 1994

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PRESENT: Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: President Angela Bradstreet.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer reported on the progress of the Jeremiah O'Brien.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Frank Chiu Yi, requesting that the Board take jurisdiction over suspension of mechanical amusement device permit for 30 days (beginning April 18, 1994 through and including May 17, 1994).

Date of decision	March 29, 1994
Appeal period ended	April 13, 1994
Request for jurisdiction	April 21, 1994

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to GRANT jurisdiction. Mr. Yi has 15 days to file an appeal.

SPEAKERS: Gordon Lau, attorney for requestor; Jeffrey Barker, attorney and Lieutenant Stephen Tacchini, for S.F.P.D.

APPEAL NO. 93-162

- (3) COMMITTEE TO SAVE POPPY LANE,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of determination by the
[Zoning Administrator based on
[a letter dated April 20, 1993
[by the City Attorney, that
[101 Poppy Lane (Block 6713,
[Lot 56) is a buildable lot.
[BLDG. PERMIT APP. NO. 9209507S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 that the Board has no jurisdiction over the Subdivision Map Act determination by the City Attorney's office.

SPEAKERS: Judith Boyajian, Deputy City attorney; Robert Passmore, Zoning Administrator for Department of City Planning; Brett Gladstone, attorney for appellant; Alice Barkley, attorney for property owner; and Joe O'Donoghue, in support of property owner.

APPEAL NO. 94-011

- (4) ALFRED J. SANCHEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on February 9, 1994,
[for work done at 625 Polk Street,
["California Culinary Academy".
[APPLICATION NO. 9319371.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$389.65 for a total of \$1,948.25.

SPEAKERS: Alfred Sanchez, appellant; and Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-049

- (5) TIMOTHY K. LEONOUKAKIS, Appellant
vs.
FIRE DEPARTMENT, Respondent
FIRE PREV. & INVEST. DIV. APPROVAL

[Appeal of Condition No. 1 imposed
[on the 90-day Conditional Use
[permit issued by Fire Prevention
[and Investigation Division on
[March 31, 1994 requiring that
[Harney Way driveway (Block 4977,
[Lot 8) be closed to all patron
[parking.
[PARKING LOT PERMIT NO. 942565.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to CONTINUE matter for further hearing to May 18, 1994 for presentation by S.F.P.D. and opportunity for parties to work out a compromise.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Jeffrey Barker, attorney for S.F.P.D.; Timothy and Steve Leonoudakis, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Richard Condon, Fire Marshall for S.F.F.D.; Jerry Robbins, Department of Parking and Traffic; Espanola Jackson, Shirley Jones, Kevin Williams, Willie McDowell, Ralph House, Leon Thibaux, Archie Occhipinti, Joe O'Donoghue, Father Jim Goode, Frank Dougherty, Bill Gunn, Frank Carlson, Dorothy Jones, Willa Sims, Pamela Sims, Merlin Fowell, and Aldo DiPasqua, in support of the appellant.

The Board recessed from 7:51 to 8:09 p.m.

Items 6, 7 and 8 were considered together by the Board with no opposition from the departments or public.

APPEAL NO. 94-036

(6) SUSAN LOMBARDI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[imposed on March 24, 1994, for
[work done at 412 Jersey Street.
[APPLICATION NO. 9404507.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$134.55 for a total of \$269.10.

SPEAKERS: None.

APPEAL NO. 93-037

(7) MICHAEL J. ASSAD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 31, 1994, for work
[done at 38 Cameo Way.
[APPLICATION NO. 9310308.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Alba, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$517.08 for a total of \$1,034.16.

SPEAKERS: None.

APPEAL NO. 94-045

(8) ALVIN AU & JIM OU, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[April 7, 1994, for work done
[at 64-64A San Juan Avenue.
[APPLICATION NO. 9217917.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, MAY 4, 1994 (cont'd.)

ACTION: Upon motion by Vice President Alba, the Board voted 4-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$248.30 for a total of \$496.60.

SPEAKERS: None.

APPEAL NO. 94-040

(9) JENNIFER O'BRIEN, Appellant
vs.
DEPT. CITY PLANNING, Respondent

[Disapproval on March 29, 1994
[by the Department of City
[Planning of a health permit
[application referral for light
[manufacturing/food processing
[and wholesale sales of fudge
[within an existing cooking
[school at 3525 California Street
[in an NC-S zoning district under
[Planning Code Section 790.54.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to OVERRIDE the department with the CONDITION that the fudge shall be sold at retail from a shop or shops in the Laurel Shopping Center.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Jennifer O'Brien, appellant.

APPEAL NO. 94-039

(10) JOCELYN COHEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[March 21, 1994, to Ann Karen
[Morebeck, permit to remove
[and replace two of three
[trees in front of 195 Jersey
[Street with 24" box trees.
[ORDER NO. 165,550.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Jocelyn Cohen, appellant; Celeste West, Claudia Sheffner, Natasha Haugnes, in support of appellant; Ann Karen Morebeck, permit holder; Daniel Eng, in support of permit holder; and Dan McKenna, Staff Arborist for Department of Public Works.

APPEAL NO. 94-048

- (11) ELADIA LAINES GANULIN, Appellant [Protesting issuance on
vs. [March 29, 1994, to W.D.G.,
DEPT. PUBLIC WORKS, Respondent [permit to Demolish a Building
CITY PLANNING APPROVAL [at 2330 Post Street.
[APPLICATION NO. 9318031.
[FOR HEARING TODAY.

ACTION: WITHDRAWN by appellant by telephone prior to hearing (letter to follow).

APPEAL NO. V93-102

- (12) DAVID CANNON, Appellant [Denial on May 18, 1993, of
vs. [Front Setback Variance (for
ZONING ADMINISTRATOR, Respondent [a garage) sought for property
[located at 2420 Pacific Avenue.
[VARIANCE CASE NO. 93.093V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to CONTINUE the matter to May 25, 1994 for Commissioner Felzer to attempt to mediate a solution. The appellant agreed to provide a transcript of this hearing so that President Bradstreet can participate.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; John Loden, Karen Niehaus, Daniel Daniloff, Janie Sutton, Linda Kahn, Justin Cohen, in support of the department; Alice Barkley, attorney for owner; and Joe O'Donoghue, David Wisebord, Irvin Bussing, in favor of property owner.

APPEAL NO. V94-041

- (13) DR. RUDOLPH G. KOPPL, Appellant [Protesting granting on March
vs. [30, 1994, to Bruce Bonacker,
ZONING ADMINISTRATOR, Respondent [Rear Yard Variance (addition
[to house) for property located
[at 2609 Fillmore Street.
[VARIANCE CASE NO. 94.027V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 3-1 (Commissioner Felzer dissented) to UPHOLD the department and GRANT the variance. Findings are to be prepared for adoption at next meeting by Brett Gladstone.

SPEAKERS: Alice Barkley, attorney for appellant; Patricia Mooney, in favor of appellant; Brett Gladstone, attorney for variance holder; Charlotte Maeck, in favor of variance holder; and Richard Patterson, variance holder.

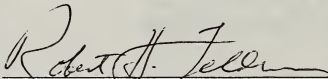
(14) Commissioners' Comments and Questions.

SPEAKERS: None.

(15) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, Vice President Alba adjourned the meeting at 11:16 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 18, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Commissioner Felzer reported on the progress of the U. S. S. Jeremiah O'Brien, which was reported to be 750 miles from Portsmouth, where it is to dock on May 21, 1994.

- (2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Ken Lee and May Lee requesting that the Board take jurisdiction over penalty imposed for work done at 1624 Keith Street.

Date penalty imposed	December 29, 1993
Appeal period ended	January 13, 1994
Request for jurisdiction	May 3, 1994

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to GRANT jurisdiction. Ken and May Lee have fifteen days to file an appeal.

SPEAKERS: Ken Lee and his mother, May Lee.

ADOPTION OF FINDINGS:

ITEM B: Appeal No. V94-041, 2609 Fillmore Street. Hearing May 4, 1994. Upon motion by Commissioner Murphy, the Board voted 3-1 (Commissioner Felzer dissented, President Bradstreet absent) to UPHOLD the department and GRANT the variance. (Findings by appellant)

MINUTES OF THE BOARD OF PERMIT APPEALS, MAY 18, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to ADOPT the findings.

SPEAKERS: None.

APPEAL NO. 94-049

- (3) TIMOTHY K. LEONOUidakis, Appellant
vs.
FIRE DEPARTMENT, Respondent
FIRE PREV. & INVEST. DIV. APPROVAL
- [Appeal of Condition No. 1 imposed
[on the 90-day Conditional Use
[permit issued by Fire Prevention
[and Investigation Division on
[March 31, 1994 requiring that
[Harney Way driveway (Block 4977,
[Lot 8) be closed to all patron
[parking.
[PARKING LOT PERMIT NO. 942565.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: CONTINUED to May 25, 1994 at the request of parties for presentation by S.F.P.D. and opportunity for parties to work out a compromise.

APPEAL NO. 93-231

- (4) RUSSIAN HILL INVESTORS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL
- [Denial on November 23, 1993,
[by Bureau of Building Inspection
[of a request for extension of
[the start date for foundation
[work for a six-unit condominium
[building at 1035-45 Vallejo
[Street.
[APPLICATION NO. 8806682S.
[PUBLIC HEARING CLOSED.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and DENY the request for extension of the start date for foundation work.

SPEAKERS: Steven Vettel, attorney for appellant; John Vidovitch, prospective developer for appellant; Harry O'Brien, representing neighbors in opposition to the project.

APPEAL NO. 94-046

- (5) JOSE O. GUERETTA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[April 6, 1994, for work
[done at 34 Staples Avenue.
[APPLICATION NO. 9318170.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to five times the regular fee of \$329.55 for a total of \$1,647.75.

SPEAKERS: Jose Gueretta, appellant; and Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 5:41 to 5:50 p.m.

APPEAL NO. 94-035

(6) EARL RICK STOKES, Appellant
vs.
ZONING ADMINSTRATOR, Respondent

[Appeal of Zoning Administrator's
[determination dated March 7,
[1994 that the two permits issued
[for alterations on the bathhouse/
[health club at 132 Turk Street
[were issued in error and must
[be suspended and revoked, and
[that their suspension or revo-
[cation cannot be lifted unless
[the Planning Commission au-
[thorizes commercial use above
[the ground floor as a Conditional
[Use under Planning Code §§
[209.8(c) and 245.5(c)(2).
[APPL. NOS. 9319421 & 9320368.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department. The Board requested the City Attorney's Office to prepare findings for adoption.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Alice Wadington, Nancy Hogan and Steve Collier, in support of the department; David Cincotta, attorney for appellant; Rick Stokes, appellant; Judith Boyajian, Deputy City Attorney; and Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:32 to 7:43 p.m.

APPEAL NO. V94-044

(7) BLUMENFELD ENTERPRISES, INC.,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March
[30, 1994, to San Francisco
[Theaters, Inc., dba "Galaxy
[Theater", Off-Street Parking
[Variance for property at
[1285 Sutter Street (to allow
[matinees).
[VARIANCE CASE NO. 93.617V.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, MAY 18, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the variance.

SPEAKERS: Robert Links, attorney for appellant; Kevin Hagerty, Director of Off-Street Parking, Department of Parking and Traffic; Robert McCarthy, and Debra Stein, attorneys for variance holder; Nancy Hogan and Edith McMillan, in support of department; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 94-025

(8) MICHAEL HENNESSEY, SHERIFF OF
SAN FRANCISCO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Zoning Administrator's
[determination dated March 7,
[1994 that placement of sentenced
[prisoners by the Sheriff's
[Department in a residentially
[zoned property that has not
[been specifically authorized
[as a conditional use by the
[Planning Commission under Section
[209.3(c) of the Planning Code
[and licensed by the State of
[California as a residential
[care facility is not permitted
[under the Planning Code and
[that the facility operated for
[up to six prisoners at 2235
[Sutter Street is a violation
[of the Planning Code.
[FOR HEARING TODAY.

ACTION: WITHDRAWN by letter dated May 16, 1994 from James Harrigan, attorney for Sheriff's Department.

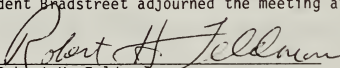
(9) Commissioners' Comments and Questions.

SPEAKERS: None.

(10) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 8:12 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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5/25/94

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 25, 1994
5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.
MAY 27 1994
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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer reported the S.S. Jeremiah O'Brien reached its destination and that he will be meeting President Clinton and the Queen of England and presenting her with a flag of San Francisco on June 6th in Normandy.

(2) ADOPTION OF FINDINGS: Appeal No. 93-167, Cornell Hotel, 715 Bush Street. Hearing April 20, 1994. Upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to OVERRULE the determination as to the number of hotel rooms designated for residential use from 31 to 24 and to uphold the determination that conditional use authorization is required to convert these rooms to tourist use. The Board requested the City Attorney's Office to prepare findings for adoption.

ACTION: RESCHEDULED to June 1, 1994 prior to hearing at request of Andrew Zacks, attorney for appellant, with agreement of City Attorney's Office.

APPEAL NO. 94-049

(3) TIMOTHY K. LEONOUKAKIS, Appellant
vs.
FIRE DEPARTMENT, Respondent
FIRE PREV. & INVEST. DIV. APPROVAL

[Appeal of Condition No. 1 imposed
[on the 90-day Conditional Use
[permit issued by Fire Prevention
[and Investigation Division on
[March 31, 1994 requiring that
[Harney Way driveway (Block 4977,
[Lot 8) be closed to all patron
[parking.
[PARKING LOT PERMIT NO. 942565.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: CONTINUED to June 22, 1994 at the request of parties for further settlement negotiations.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Robert Passmore, Zoning Administrator for Department of City Planning; and Tim Leonoudakis, appellant.

APPEAL NO. 94-047

(4) PHETH PHETH, dba "VIENG RATREE
THAI CUISINE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Appeal of Condition No. 2
[imposed by the Police Department on Billiard Parlor/Dance
[Hall Keeper/Place of Entertainment permit issued March
[29, 1994 for 472 Turk Street,
[limiting for a six month
[probationary period, live
[entertainment/dancing on Fridays
[and Saturdays between 12:00
[p.m. and 12:00 a.m. midnight.
[(After the six months may operate
[between 12:00 a.m. and 2:00
[a.m.)
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department and REDUCE the probation period from six months to 45 days commencing May 25, 1994, with the CONDITION that an English-speaking employee be on the premises at all times during business hours. Jeffrey Barker, attorney for S.F.P.D. indicated that the department waives the request for rehearing.

SPEAKERS: Jeffrey Barker, attorney and Lieutenant Stephen Tacchini, for S.F.P.D.; and Bounmy Bounphasavanh, for appellant.

APPEAL NO. 94-050

(5) SIMON KONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[April 20, 1994, for work
[done at 2114-18 Mission Street.
[APPLICATION NO. 9221858.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Simon Kong, appellant; Bill Delao, contractor for appellant; Joan MacQuarrie, Chief Building Inspector and David Green, Electrical Inspector for Bureau of Building Inspection.

APPEAL NO. 94-043

(6) GLADYNE MITCHELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 28, 1994, to Theo T.
[Schwabacher, permit to
[Alter a Building at 3050
[Pacific Avenue (interior
[remodel of two bathrooms
[and kitchen-family room,
[and garage addition at
[front of building).
[APPLICATION NO. 9320344.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted voted 5-0 to UPHOLD the department and GRANT the permit with findings as stated by Commissioner Murphy.

SPEAKERS: Jerome Marks, attorney for appellant; Gladyne Mitchell, appellant; Clint Callan, attorney for permit holder; Darwin McCredie, architect for permit holder; Chief Scott Peoples and Inspector Peter Sikora, for S.F.F.D.; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; and Carl Nielsen, for permit holder.

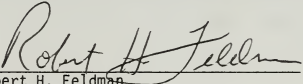
(7) COMMISSIONERS' COMMENTS AND QUESTIONS

SPEAKER: Commissioner Felzer noted that the S.S. Jeremiah O'Brien would visit several European ports following the June 6th celebration, and would sail back to the U.S. in October.

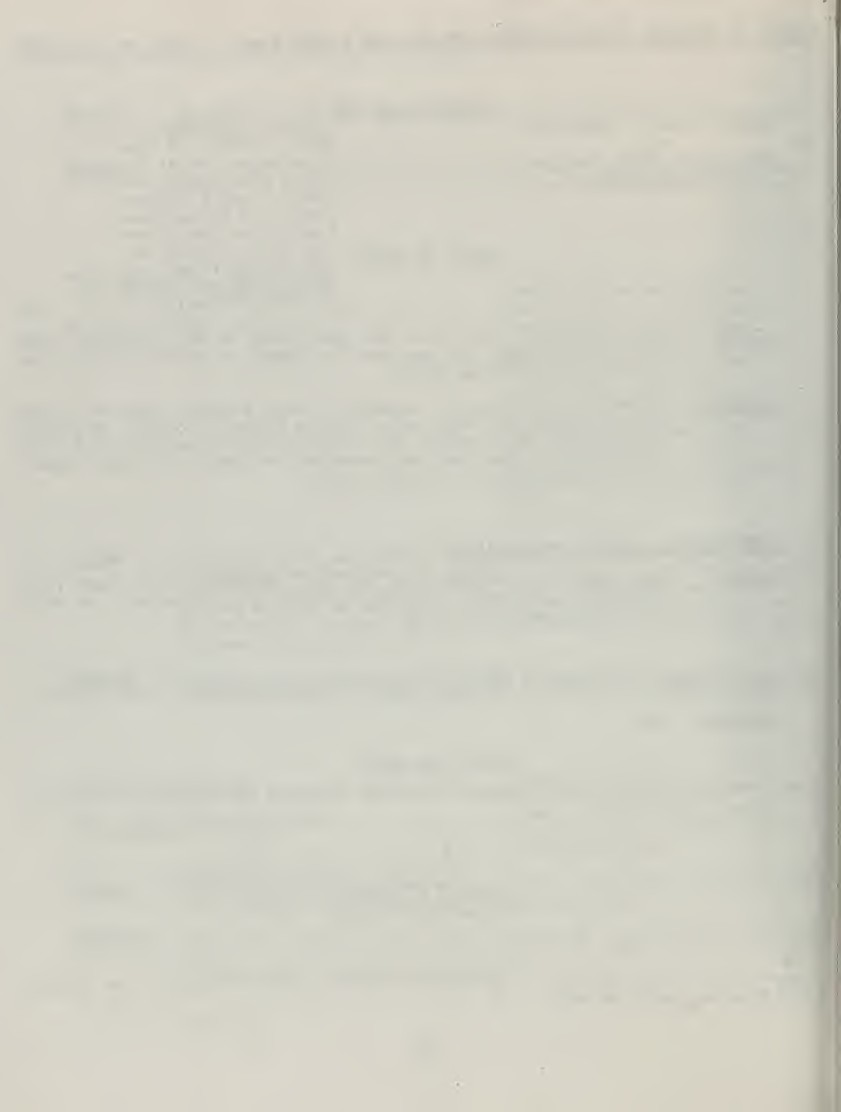
(8) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 7:13 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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#3
6/1/94

157

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 1, 1994
5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.
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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian and Kate Stacy, Deputy City Attorneys; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Commissioner Felzer played one minute tape from S.S. Jeremiah O'Brien at Portsmouth and reported that he will be meeting President Clinton, the President of France and Queen of England on June 4.

(2) **ADOPTION OF FINDINGS:** Appeal No. 93-167, Cornell Hotel, 715 Bush Street. Hearing April 20, 1994. Upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to **OVERRULE** the determination as to the number of hotel rooms designated for residential use from 31 to 24 and to uphold the determination that conditional use authorization is required to convert these rooms to tourist use. The Board requested the City Attorney's Office to prepare findings for adoption.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Murphy excused) to **ADOPT** amended findings.

SPEAKERS: Andrew Zacks, attorney for appellant; and Kate Stacy, Deputy City Attorney.

APPEAL NO. 94-053

WUILMAN, RONI, & ANGEL MORAN,
Appellants

vs.

DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 2, 1994, for work done
[at 1147 Key Avenue.
[APPLICATION NO. 9305374.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 1, 1994 (cont'd.)

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Roni, Wuilman and Angel Moran, appellants; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-054

(4) NIAN ZHANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[April 21, 1994, for work done
[at 1156 Munich Street.
[APPLICATION NO. 9321426.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to six times the regular fee of \$297.05 for a total of \$1,782.30.

SPEAKERS: Patrick Chow for appellant; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection. Appellant was present.

APPEAL NO. 94-057

(5) ERIC ANDREWSSEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on May 10, 1994, for
[work done at 274 Naples Street.
[APPLICATION NO. 9403300.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to six times the regular fee of \$427.05 for a total of \$2,562.30.

SPEAKERS: Eric Andrews, appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-058

(6) RONALD S. GOMEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on May 10,
[1994, for work done at
[128 Capistrano Avenue.
[ELEC. PERMIT NO. 127217.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$65.25 for a total of \$130.50. The Board requested that the Bureau review the case with a recommendation that the entire penalty be rescinded if appropriate.

SPEAKERS: Ronald Gomez, appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-051

(7) DICK & MAY YOUNG, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 13, 1994, to Jerry & Ann
[Divecchio, permit to Alter a
[Building at 237 Stanyan Street
[(rear extension to main and
[top floors, remodel bathroom).
[APPLICATION NO. 9314687S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that revised plans in conformity with the plan agreed to by the parties and made part of the record.

SPEAKERS: Gary Fong, agent for appellants; Dick Young, appellant; Ann Divecchio and Jerry Divecchio, permit holders.

The Board recessed from 7:01 to 7:11 p.m. to allow parties in the appeal above to work out an agreement as to plan revisions, which they did.

APPEAL NO. 94-038

(8) SHUET YI NG, Appellant
vs.
DEPT. CITY PLANNING, Respondent

[Disapproval of alteration
[permit application to create
[second dwelling unit and to
[construct a two and three-story
[horizontal addition to the rear
[of an existing three-story-plus
[attic single-family dwelling
[at 365 - 5th Avenue.
[APPLICATION NO. 9321641.
[FOR HEARING TODAY.

ACTION: After a full hearing the matter was CONTINUED at hearing to June 22, 1994 to allow the appellant to meet with the neighbors and to modify the plans in keeping with the Board's comments.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Dan Sullivan and Walter Wong, for appellant; and Chu K. King, Martin Hue and Rita King, in support of the department.

(9) COMMISSIONERS' COMMENTS AND QUESTIONS

SPEAKERS: None.

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 1, 1994 (cont'd.)

(10) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 8:00 p.m.

A handwritten signature in dark ink, appearing to read "Robert H. Feldman", is written over a horizontal line.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

SP
P30
#3
6/15/94

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 15, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Neil Rains, Assistant Superintendent for Bureau of Building Inspection; Judy Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Ike Felzer.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 94-056

(2) HAYMAN HOMES, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[imposed on May 3, 1994, for
[work done at 120 Dorado Terrace.
[ELEC. PERMIT NO. 126964.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of \$133.75 for a total of \$535.00.

SPEAKERS: James Hayman, appellant; Neil Rains, Assistant Superintendent and Rich Bamberger, Electrical Inspector for Bureau of Building Inspection.

APPEAL NO. 94-068

(3) CARMEN LEE WOO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on May 23, 1994, for
[work done at 2650 - 16th Avenue.
[APPLICATION NO. 9407063.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 15, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of \$102.05 for a total of \$204.10.

SPEAKERS: Carmen Lee Woo, appellant; Neil Rains, Assistant Superintendent for Bureau of Building Inspection.

APPEAL NO. 94-069

(4) KEN LEE, Appellant vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on May 20, 1994, for
[work done at 1624 Keith Street.
[APPLICATION NO. 9309675.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to five times the regular fee of \$297.05 for a total of \$1,485.25.

SPEAKERS: Ken Lee and May Lee, appellants; Neil Rains, Assistant Superintendent for Bureau of Building Inspection.

APPEAL NO. 94-072

(5) ROBERT S. FISCHER, Appellant vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 3, 1994, for work done
[at 836 Kansas Street.
[APPLICATION NO. 9209197.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to five times the regular fee of \$573.95 for a total of \$2,869.75.

SPEAKERS: Robert Fischer, appellant; Neil Rains, Assistant Superintendent for Bureau of Building Inspection.

The Board recessed from 6:55 to 7:05 p.m.

APPEAL NO. V94-065

(6) INNER MISSION NEIGHBORS, Appellant vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on May 9,
[1994, to Good Samaritan Parties,
[Front Setback and Parking
[Variances (demolish two existing
[buildings and construct a
[community facility, childcare
[center and 20 units of affordable
[housing with 27 below grade
[off-street parking spaces) for
[property at 1290 Potrero Avenue.
[VARIANCE CASE NO. 92.397V.
[FOR HEARING TODAY.

ACTION: President Bradstreet determined that her firm represents architect Simon Martin-Vegue Winklestein Morris and recused herself. On motion by Commissioner Chan, the Board voted 3-0 (Commissioner Felzer absent) to CONTINUE the matter to June 29, 1994 to allow for any protest appeals of the demolition permits.

SPEAKERS: Daniel Hernandez and Kat Taylor, project sponsors; Robert Passmore, Zoning Administrator for Department of City Planning; Mark Horton, architect for project sponsor; and Judith Boyajian, Deputy City Attorney.

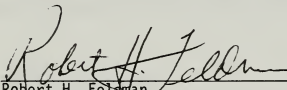
(7) COMMISSIONERS' COMMENTS AND QUESTIONS

SPEAKERS: None.

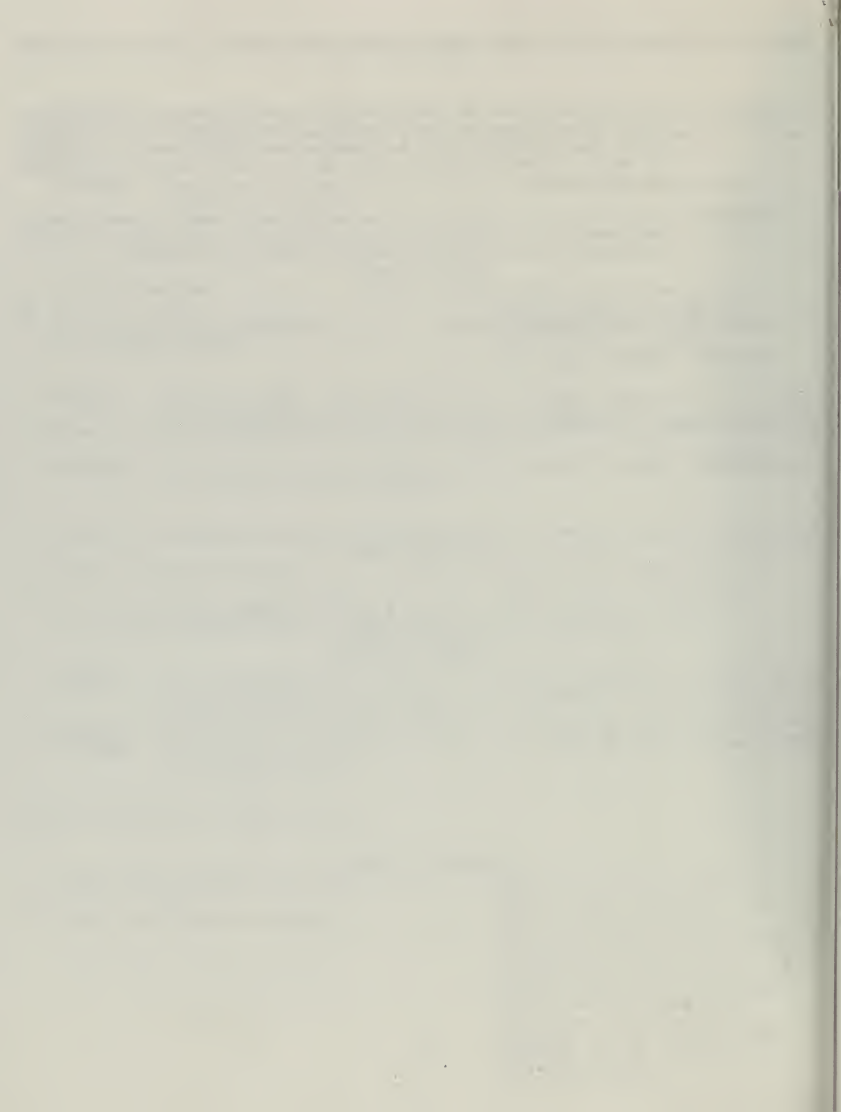
(8) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, Vice President Alba adjourned the meeting at 7:10 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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6/22/94

MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 22, 1994

5:30 P.M., CITY HALL, ROOM 282

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Jim Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Kate Stacy, Deputy City Attorney; Larry McDonald, Planner for the Department of City Planning; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer played a 55-second farewell tape of S.S. Jeremiah O'Brien and reported on its plans to return to San Francisco.

APPEAL NO. 94-071

TENDERLOIN MERCHANT ASSOCIATION,
Appellant

(2) vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on May 17,
[1994 to Anastashia Wood, dba "Buy
[and Sell the Bear", of a Second
[Hand Dealer permit at 143 Eddy
[Street.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **July 13, 1994** at request of the department due to nonavailability of police officers connected with this appeal.

APPEAL NO. 94-038

SHUET YI NG, Appellant

(3) vs.
DEPT. CITY PLANNING, Respondent

[Disapproval of site alteration
[permit application to create
[second dwelling unit and to
[construct a two and three-story
[horizontal addition to the rear
[of an existing three-story-plus
[attic single-family dwelling
[at 365 - 5th Avenue.
[APPLICATION NO. 9321641S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRULE the department and GRANT the permit with the CONDITIONS agreed to by the parties per the Memorandum of Understanding dated June 18, 1994.

SPEAKERS: None. Walter Wong and Dan Sullivan were present for the appellant.

Items (4A) and (4B) were heard together

	<u>APPEAL NO. 94-073</u>	
(4A)	JOHN S. BLACKBURN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on May 20, [1994, to Bernal Heights Housing [Corp., of a site permit to Erect [an 18 Dwelling Unit Structure [at 291 Putnam Street. [APPLICATION NO. 9318660S. [FOR HEARING TODAY.

	<u>APPEAL NO. 94-074</u>	
(4B)	JOHN S. BLACKBURN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on May 20, [1994, to Bernal Heights Housing [Corp., of a site permit to Erect [a 14 Dwelling Unit Structure [at 211 Putnam Street. [APPLICATION NO. 9318661S. [FOR HEARING TODAY.

The Board recessed from 7:15 to 7:25 p.m. after all the testimony was received and before the parties made their rebuttals.

ACTION: After discussion, upon motion by President Bradstreet the Board voted 4-1 (Vice President Alba dissented) to UPHOLD the department and GRANT the permits based on the findings prepared by the permit holder and modified by President Bradstreet.

SPEAKERS: John Blackburn, appellant; Ed Olsen, Ms. Harland Law, Ellen Wall, Joyce Kearney, Bob Hickock, Peter Paul, Saul Feldman, Beth Pewther, Mitzi Johnson, Richard Uhsmann, Garrett Turnower, Rafa Moss, William Richter, Paul Fontaine, John Wade, Helen Hawkins, Lurilla Harris, in opposition to the project; Helen Helfer and Steven Dunn, project sponsors; Stuart Stoller, architect for project; Ted Dienstfrey, Mayor's Office of Housing; and Larry McDonald, Planner for Department of City Planning.

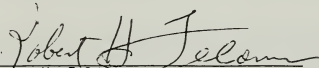
(5) COMMISSIONERS' COMMENTS AND QUESTIONS

SPEAKERS: None.

(6) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 7:48 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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Attn: Jerry Roth
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SF
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#3
6/29/94

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 29, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney.

Doris Levine, Official Court Reporter.

EXCUSED: President Angela Bradstreet.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer reported on the progress of the Jeremiah O'Brien.

APPEAL NO. V94-065

(2) INNER MISSION NEIGHBORS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on May 9,
[1994, to Good Samaritan Parties,
[Front Setback and Parking
[Variances (demolish two existing
[buildings and construct a com-
[munity facility with childcare
[center, and 20 units of affordable
[housing with 27 below grade
[off-street parking spaces) for
[property at 1290 Potrero Avenue.
[VARIANCE CASE NO. 92.397V.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the variance based on findings prepared by the project sponsor and modified by Commissioner Chan.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Kat Taylor, Good Samaritan Parties; Daniel Hernandez, Mission Housing Development; Mark Horton, architect for project sponsor; Margaret Brodtkin, in favor of the project; Victor Morales-Laimon and James Riggs, appellants; and Bill Mason, in opposition to the project.

Items (3A), (3B), (4A) and (4B) were heard together

APPEAL NO. 94-076

(3A) MYRNA MELGAR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 3,
[1994, to Mission Housing Develop-
[ment Corp., permit to Demolish
[a Vacant Community Facility at
[1292 - 1294 Potrero Avenue.
[APPLICATION NO. 9401002.
[FOR HEARING TODAY.

APPEAL NO. 94-077

(3B) MYRNA MELGAR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 3,
[1994, to Mission Housing Develop-
[ment Corp., permit to Demolish
[a Vacant Church at 1290 Potrero
[Avenue.
[APPLICATION NO. 9401041.
[FOR HEARING TODAY.

APPEAL NO. 94-082

(4A) INNER MISSION NEIGHBORS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 3,
[1994, to Mission Housing Develop-
[ment Corp., permit to Demolish
[a Vacant Community Facility at
[1292 - 1294 Potrero Avenue.
[APPLICATION NO. 9401002.
[FOR HEARING TODAY.

APPEAL NO. 94-083

(4B) INNER MISSION NEIGHBORS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 3,
[1994, to Mission Housing Develop-
[ment Corp., permit to Demolish
[a Vacant Church at 1290 Potrero
[Avenue.
[APPLICATION NO. 9401041.
[FOR HEARING TODAY.

ACTION:

After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to UPHOLD the department and GRANT the permits based on amended findings prepared by the project sponsor. Myrna Melgar, appellant for Appeal Nos. 94-076 and 94-077 did not appear.

SPEAKERS:

Victor Morales-Laimon and James Riggs, appellants; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Kat Taylor, Good Samaritan Parties; Armando Vasquez, Mission Housing Development Corporation; and Vicar Ivan Kamirez, in favor of the project.

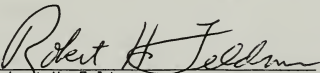
(5) COMMISSIONERS' COMMENTS AND QUESTIONS

SPEAKERS: None.

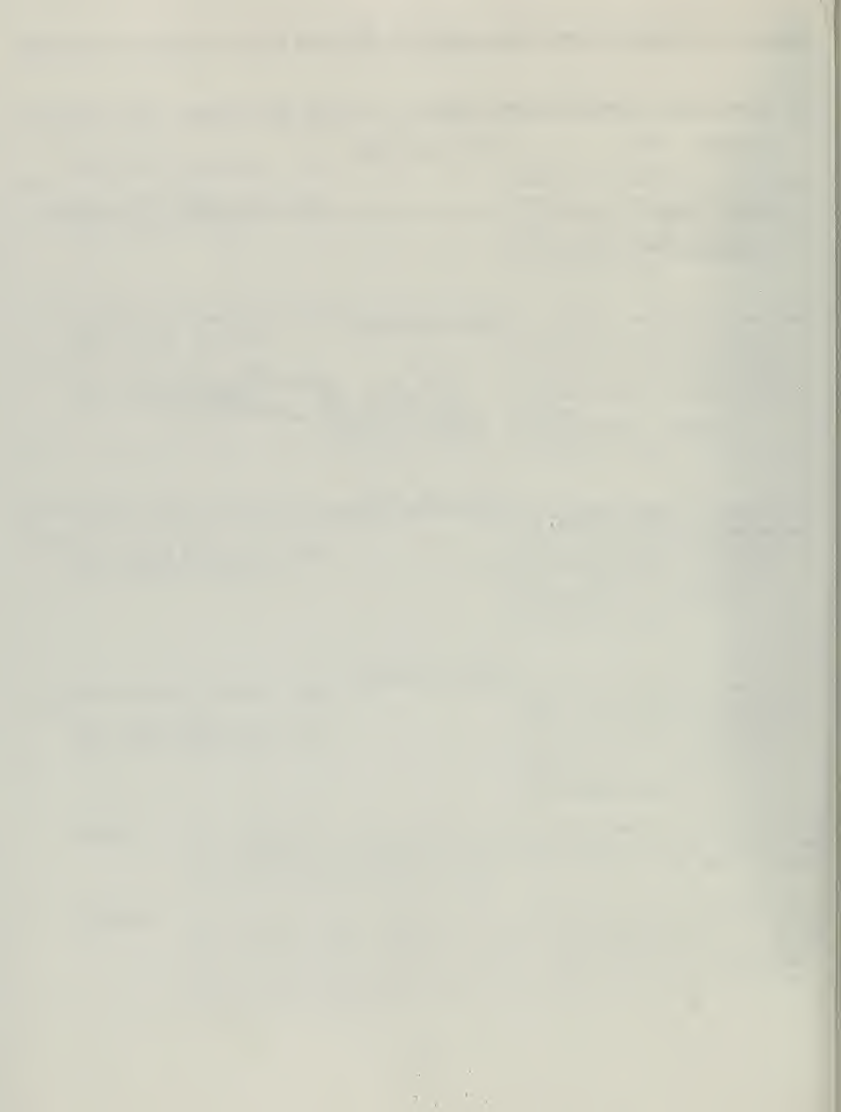
(6) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, Vice President Alba adjourned the meeting at 8:15 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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SF
P30
#3
7/13/94

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 13, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan requested that the order of the appeals be changed; that notice be given to tenants of buildings; and asked where Redevelopment Agency cases are appealed.

Commissioner Felzer gave an update on the progress of the Jeremiah O'Brien.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS/REQUEST FOR REHEARING:

ITEM A: Appeal No. 94-035, 132 Turk Street. Hearing May 18, 1994. Upon motion President Bradstreet, the Board voted 5-0 to UPHOLD the determination dated March 15, 1994 that the two permits issued for alterations on the bathhouse/health club were issued in error and must be suspended and revoked, and that their suspension or revocation cannot be lifted unless the Planning Commission authorizes commercial use above the ground floor as a conditional use under Planning Code Sections 209.8(c) and 245.5(c)(2). The Board requested the City Attorney's Office to prepare findings.

1. Findings prepared by City Attorney's Office. (Three votes are necessary for adoption of findings.)

2. Letter from David P. Cincotta, attorney for appellant, requesting rehearing. (Four votes are necessary for granting rehearing.)

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 13, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to ADOPT findings prepared by the City Attorney's Office and modified by Commissioner Murphy. Request for rehearing continued to **July 20, 1994** for presentation of new evidence by attorney for appellant. Additional material must be submitted to the Board by 4:00 p.m., Monday, July 18, 1994.

SPEAKER: David Cincotta, attorney for appellant.

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Kathryn Taylor, requesting that the Board take jurisdiction over Application No. 9320344 for remodel of two bathrooms, kitchen, family room, and garage addition to the front of 3050 Pacific Avenue.

Date issued	March 28, 1994
Appeal period ended	April 12, 1994
Request for jurisdiction	July 5, 1994

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to DENY the request for jurisdiction.

President Bradstreet asked for show of hands of those in support of permit holder and Executive Director counted 23 hands raised.

SPEAKERS: Kathryn Taylor, requestor; Martin Orlick, attorney for permit holder; Ann Eliaser, in support of permit holder; Theo Schwabacher, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Darwin McCredie, architect for permit holder.

ITEM C: Letter from Leo W.K. Cheng, M.D., requesting that the Board take jurisdiction over Application No. 9320344 for remodel of two bathrooms, kitchen, family room, and garage addition to the front of 3050 Pacific Avenue.

Date issued	March 28, 1994
Appeal period ended	April 12, 1994
Request for jurisdiction	July 6, 1994

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to DENY the request for jurisdiction.

SPEAKERS: Leo W.K. Cheng, M.D., requestor; Martin Orlick, attorney for permit holder; Ann Eliaser, in support of permit holder; Theo Schwabacher, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Darwin McCredie, architect for permit holder.

ITEM D: Letter from Judith and John Hulka, requesting that the Board take jurisdiction over Application No. 9320344 for remodel of two bathrooms, kitchen, family room, and garage addition to the front of 3050 Pacific Avenue.

Date issued
Appeal period ended
Request for jurisdiction

March 28, 1994
April 12, 1994
July 8, 1994

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to DENY the request for jurisdiction.

SPEAKERS: Judith Hulka, requestor; Martin Orlick, attorney for permit holder; Ann Eliaser, in support of permit holder; Theo Schwabacher, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Darwin McCredie, architect for permit holder.

APPEAL NO. 94-049

(3) TIMOTHY K. LEONOUKAKIS, Appellant
vs.
FIRE DEPARTMENT, Respondent
FIRE PREV. & INVEST. DIV. APPROVAL

[Appeal of Condition No. 1 imposed
on the 90-day Conditional Use
permit issued by Fire Prevention
and Investigation Division on
March 31, 1994 requiring that
Harney Way driveway (Block 4977,
Lot 8) be closed to all patron
parking.
[PARKING LOT PERMIT NO. 942565.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: RESCHEDULED to August 17, 1994 at request of S.F.P.D. for further negotiations.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Jeffrey Barker, attorney for S.F.P.D.

The Board recessed from 6:54 to 7:09 p.m.

APPEAL NO. 94-071

(4) TENDERLOIN MERCHANT ASSOCIATION,
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on May 17,
1994 to Anastashia Wood, dba
"Buy and Sell the Bear", of a
Second Hand Dealer permit at
143 Eddy Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the findings by the department.

SPEAKERS: James Brady, appellant; Eugenia Wood and Elizabeth Wood for permit holder; Ioannis Monomatos, in favor of permit holder; Jeffrey Barker, attorney and Lieutenant Stephen Tacchini, S.F.P.D.; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. V93-102

(5) DAVID CANNON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 18, 1993, of
[Front Setback Variance (for
[a garage) sought for property
[located at 2420 Pacific Avenue.
[VARIANCE CASE NO. 93.093V.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: RESCHEDULED prior to hearing to **August 3, 1994** for further mediation at request of the parties and for Board to review report from Department of Public Works.

APPEAL NO. 94-059

(6) CHARLES W. MOSSER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 11, 1994, for work
[done at 900 Oak Street.
[APPLICATION NO. 9316393.
[FOR HEARING TODAY.

ACTION: After discussion, Mr. Hutchinson announced that the Bureau would withdraw its penalty in this case. The appeal is deemed ADMINISTRATIVELY WITHDRAWN.

SPEAKERS: Neveo Mosser, for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-062

(7) LITA C. BATO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 13, 1994, for work done
[at 517 - 519 Bartlett Street.
[APPLICATION NO. 9308240.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion President Bradstreet, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee for work totaling \$6,900.00.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection. The appellant was present but did not speak.

APPEAL NO. 94-063

(8) THOMAS J. FINNEGAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on May 4, 1994, for
[work done at 3267-19th Street.
[APPLICATION NO. 9402823.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 (Commissioner Felzer excused) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to five times the regular fee of \$248.30 for a total of \$1,241.50.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection and John Artal, for appellant.

APPEAL NO. 94-066

(9) RICHARD MICHAEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 20, 1994, for work done
[at 955-957 S. Van Ness Avenue.
[APPLICATION NO. 9310380.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of \$102.05 for a total of \$408.20.

SPEAKERS: Richard Michael, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 8:46 to 8:51 p.m.

APPEAL NO. V94-061

(10) CLAYTON CARLSON, JERRY & KAREN
PIKE, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on May 3,
[1994, to Mark Brand, Front
[Setback and Rear Yard Variances
[(demolish an existing, two-
[story-over-garage single-family
[dwelling at the rear of the
[lot, replace it with a new
[three-story, single-family
[dwelling in the same rear lot
[location and construct new
[garage at the front property
[line) for property at
[4016 - 20th Street.
[VARIANCE CASE NO. 93.311V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the variances with additional findings.

SPEAKERS: Eric Miller, attorney for appellants; Karen Pike and Clayton Carlton, appellants; John Barbey and Paul Cantas, in support of the appellants; Robert Passmore, Zoning Administrator for Department of City Planning;

Brett Gladstone, attorney for property owners; Bruce Bowen, property owner; Mark Brand, architect for property owner; Jack Wholey, attorney for Lee Grasso, Douglas Bell, Bart Broume, Ronald Regina, Johan VanVught, Shelwyn Corrigan, David Hites, Robert Ottoman, Chet Williams, Utta Grasso and Lee Grasso, in support of granting of variance.

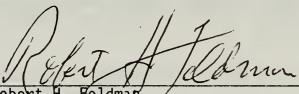
(11) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

(12) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:07 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 20, 1994
5:30 P.M., CITY HALL, ROOM 282

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JUL 27 1994

SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Commissioner Felzer reported that the mayor of Rouen, France donated \$20,000.00 to purchase oil for the Jeremiah O'Brien's return voyage.

President Bradstreet requested that the Board consider a rule change so that Board packets can be received by the Commissioners on Thursdays instead of Fridays.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from David P. Cincotta, attorney for appellant, requesting rehearing of Appeal No. 94-035, 132 Turk Street. Hearing May 18, 1994. Upon motion President Bradstreet, the Board voted 5-0 to **UPHOLD** the determination dated March 15, 1994 that the two permits issued for alterations on the bathhouse/health club were issued in error and must be suspended and revoked, and that their suspension or revocation cannot be lifted unless the Planning Commission authorizes commercial use above the ground floor as a conditional use under Planning Code §209.8(c) and 245.5(c)(2). The Board requested the City Attorney's Office to prepare findings which were adopted by the Board on July 13, 1994. Mr. Cincotta's request was continued from July 13, 1994 by the Board to this calendar to allow him the opportunity to submit additional evidence in support of his request.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKER: David Cincotta, attorney for appellant.

ITEM B: Letter from Inner Mission Neighbors requesting rehearing of Appeal Nos. V94-065, 94-082 and 94-083, 1290 - 1294 Potrero Avenue. Hearing June 29, 1994. Upon motion by Commissioner Chan, the Board voted 4-0 (President Bradstreet excused) to UPHOLD the department and GRANT the variance based on findings prepared by the project sponsor and modified by Commissioner Chan. Then upon motion by Commissioner Murphy, the Board voted 4-0 (President Bradstreet excused) to UPHOLD the department and GRANT the demolition permits based on amended findings prepared by the project sponsor.

ACTION: With Vice President Alba presiding, after discussion, upon motion by Commissioner Felzer, the Board voted 4-0 (President Bradstreet excused) to DENY the request for rehearing.

SPEAKERS: Victor Morales, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-067

(3) KATHY W. LAM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
May 17, 1994, for work done
at 2758 - 36th Avenue.
[APPLICATION NO. 9014969.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-1 (Commissioner Chan dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to six times the regular fee of \$163.80 for a total of \$982.80.

SPEAKERS: Kathy Lam, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-075

(4) CLAY MANKIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
imposed on June 10, 1994, for
work done at 3001 Steiner Street.
[APPLICATION NO. 9404824.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$118.30 for a total of \$236.60.

SPEAKERS: Clay Mankin, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-079

(5) HENRY KARNILOWICZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 15, 1994, for work done
[at 977 - 979 Folsom Street.
[APPLICATION NO. 9300476.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Alba, the Board voted 5-0 to UPHOLD the department and SUSTAIN the penalty.

SPEAKERS: Henry Karnilowicz, appellant; and James Hutchinson, Senior Building Inspector for the Bureau of Building Inspection.

APPEAL NO. 94-081

(6) ANA & PETER BOGDANOV, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 15, 1994, for work done
[at 908 Rhode Island Street.
[APPLICATION NO. 9315061.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to \$1,000.00 for work totalling \$8,000.00.

SPEAKERS: Peter Bogdanov, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-060

(7) SERGIO SALVETTI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on April 28, 1994, of
[permit to Alter a Building at
[567-577 Union Street (legali-
[zation of seventh unit without
[off-street parking).
[APPLICATION NO. 9219881.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and DENY the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Sergio Salvetti, appellant.

APPEAL NO. 94-078

(8) JOSEPH T. CORDERO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANING APPROVAL

[Protesting issuance on June
[1, 1994, to John Leonetti,
[permit to Alter a Building
[remove and replace skylight
[enclosure and lightwell)
[at 839 Rutland Street.
[APPLICATION NO. 9206084.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the permit holder's contractor will remove the nails protruding through the appellant's wall and other appropriate repairs required by permit holder's construction under the permit. The Bureau of Building Inspection is directed to monitor this repair work.

SPEAKERS: Joseph Cordero, appellant; and Otto Pasian, agent for permit holder; permit holder John Leonetti was present and agreed to conditions.

The Board recessed from 7:43 to 7:48 p.m.

Items (9A) and (9B) were heard together

APPEAL NO. 94-080

(9A) EDWARD J. CHRISTOPH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[6, 1994, to Edward and Jan
[Zablah, site permit to Alter
[a Building (three story addition
[at the rear to include two
[bedrooms, two bathrooms, family
[room, deck, storage room and
[laundry area) at 434-36th Avenue.
[APPLICATION NO. 9301101S.
[FOR HEARING TODAY.

APPEAL NO. 94-084

(9B) NGUNG S. & NOU G. LEE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[6, 1994, to Edward and Jan
[Zablah, site permit to Alter
[a Building (three story addition
[at the rear to include two
[bedrooms, two bathrooms, family
[room, deck, storage room and
[laundry area) at 434-36th Avenue.
[APPLICATION NO. 9301101S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-1 (Vice President Alba dissented) to UPHOLD the department and GRANT the permit with findings by President Bradstreet.

SPEAKERS: Jan Zablah, permit holder; Louis Felthouse, architect for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Letricia Turner, in favor of the project; Edward Christoph and Ngung S. Lee, appellants; Robert S. Lee and Warren Woo, in opposition to the project; and Leigh Sherrouse, architect for Edward Christoph. At President's Bradstreet's request for hands of members of audience in support of permit holder, seven hands were counted by Executive Director.

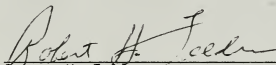
(10) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

(11) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

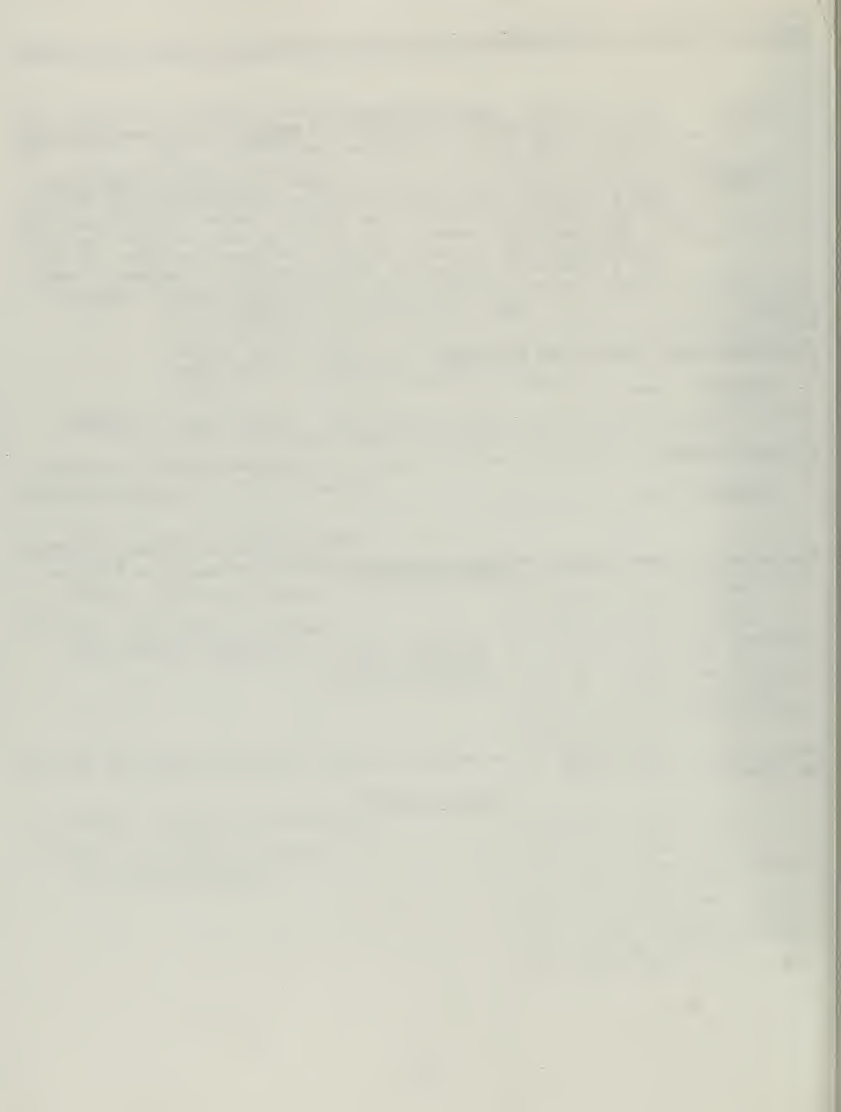
SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:10 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



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8/3/94

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 3, 1994
5:30 P.M., CITY HALL, ROOM 282

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AUG 8 1994

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer reported that the Jeremiah O'Brien would reach Portland, Maine, by 8:00 a.m. Saturday and it was doing better than expected.

(2) **REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:**

Letter from William Walters, architect for Alberto Villasenor requesting that the Board take jurisdiction over denial of front yard variance sought for property at 357 Mississippi Street.

Date of decision	July 5, 1994
Appeal period ended	July 15, 1994
Request for jurisdiction	July 25, 1994

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to **GRANT** the request for jurisdiction. Mr. Walters has 10 days to file an appeal.

SPEAKER: William Walters, requestor.

APPEAL NO. V93-102

(3) DAVID CANNON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 18, 1993, of
[Front Setback Variance (for
[a garage) sought for property
[located at 2420 Pacific Avenue.
[VARIANCE CASE NO. 93.093V.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: **WITHDRAWN** prior to hearing by Alice S.Y. Barkley, attorney for appellant.

APPEAL NO. 94-091

(4) YEE OI LUM WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of penalty on
June 27, 1994, for work
done at 470 - 23rd Avenue.
APPLICATION NO. 9021279.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to four times the regular fee of \$310.70 for a total of \$1,242.80.

SPEAKERS: Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; Lena Wong, appellant's daughter; and Yee Oi Lum Wong, appellant.

APPEAL NO. 94-032

(5) PICCETTI FAMILY TRUST, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 7, 1994,
of permit to Alter a Building
at 2160 Leavenworth Street
[(legalize penthouse).
APPLICATION NO. 8709649.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Vice President Alba dissented) to OVERRIDE the department and GRANT the permit with findings by President Bradstreet and the CONDITION that the appellant shall record on the land records a Notice of Special Restrictions to insure that the rooftop room shall not be used as a separate dwelling unit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Robert Bruce Anderson, architect for appellant; Judith Boyajian, Deputy City Attorney; and Albert Piccetti, appellant; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-085

(6) TERRANCE & JAYME McDERMOTT,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
June 7, 1994, to Buena Vista
Builders, of site permit to
Erect a Four Dwelling Unit Build-
ing at 885 S. Van Ness Avenue.
APPLICATION NO. 9218481S.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that the property line windows be replaced by translucent glass blocks.

SPEAKERS: Terrance McDermott, appellant; C. Gerard Agosta, permit holder; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; Joe O'Donoghue, in favor of the project; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 7:20 to 7:28 p.m.

Items (7A) and (7B) were heard together

(7A) BALLARDO VILLAGRAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	APPEAL NO. 94-088 [Protesting issuance on June 8, 1994, to Michael D'Arcy [permit to Demolish a Two Story Building at 338 Brazil Street. [APPLICATION NO. 9309991. [FOR HEARING TODAY.
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(7B) BALLARDO VILLAGRAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	APPEAL NO. 94-089 [Protesting issuance on June 8, 1994, to Michael D'Arcy, [of site permit to Erect a Two [Dwelling Unit Building at [338 Brazil Avenue. [APPLICATION NO. 9309993S. [FOR HEARING TODAY.
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ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and GRANT the permits.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Joseph Gonzalez, law clerk, and Karen Carrera, attorney, representing the appellant; and Alice Barkley, attorney for permit holder.

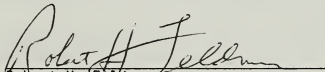
(8) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: Commissioner Murphy discussed with deputy city attorney Judith Boyajian the significance of Prop M review criteria and the impact of historical structures adjacent to sites to be developed.

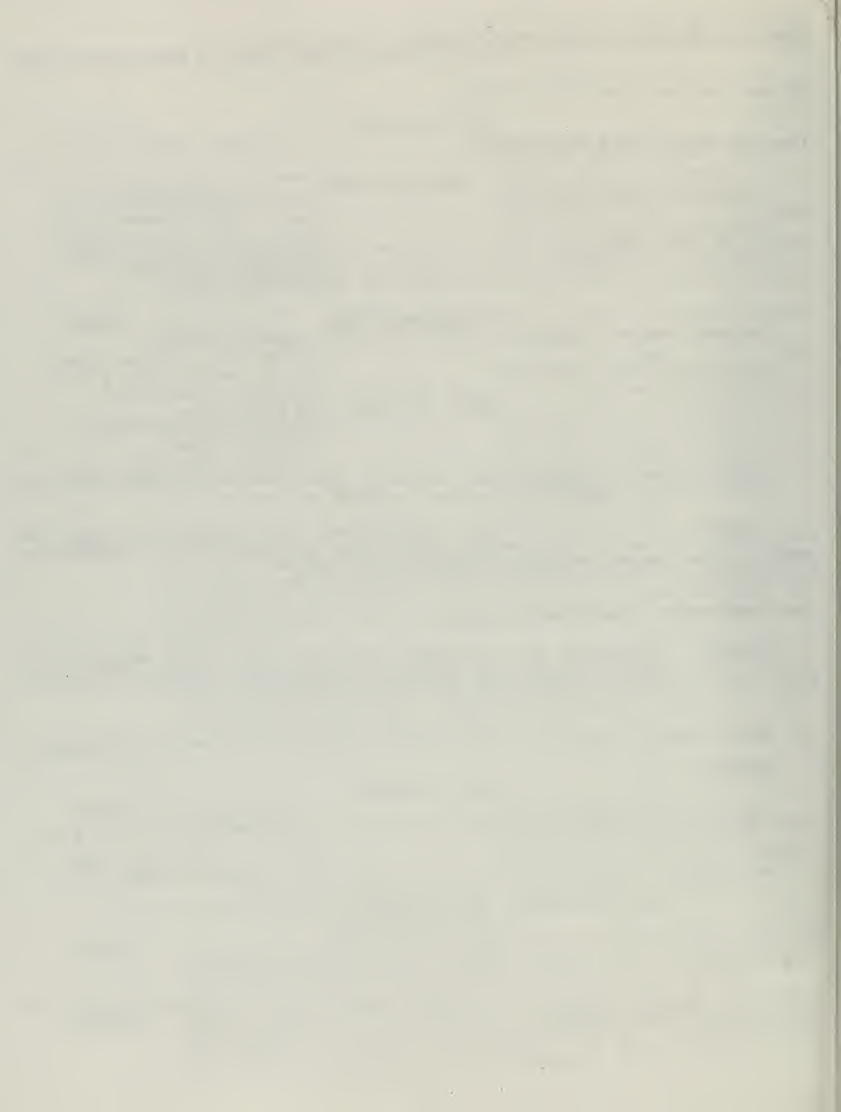
(9) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 7:35 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.



SF
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#3
8/10/94

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 10, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; Denise Brady, Bureau Chief for Bureau of Street-Use & Mapping; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer reported that the S.S. Jeremiah O'Brien is in its port of origin, Portland, Maine and will return to San Francisco in September.

- (2) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

Letter from Yossedek M. Desta requesting that the Board take jurisdiction over Police Commission decision that Public Convenience and Necessity has not at this time been established to require the operation of additional taxicab permits (medallions) for which applications have been made (Resolution No. 66-94).

Date of decision	June 29, 1994
Appeal period ended	July 14, 1994
Request for jurisdiction	August 2, 1994

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 3-2 (Vice President Alba and Commissioner Murphy dissented) to **DENY** the request for jurisdiction.

SPEAKERS: Yossedek Desta, requestor; and Jeffrey Barker, attorney for S.F.P.D.

- (3) Items (3A) and (3B) were considered together by the Board without any testimony, with the agreement of the Bureau of Building Inspection.

APPEAL NO. 94-097

(A) STAN & DAWN WEBB, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 22, 1994, for work done
[done at 160 Rutledge Street.
[APPLICATION NO. 9409971.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, AUGUST 10, 1994 (cont'd.)

ACTION: Upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of \$85.15 for a total of \$170.30.

SPEAKERS: None.

APPEAL NO. 94-101

(B) PATRICIA K. COBB, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 7, 1994, for work done
[at 3779-3781 25th Street.
[APPLICATION NO. 9210902.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of \$378.30 for a total of \$756.60.

SPEAKERS: None.

APPEAL NO. 94-092

(4) FERNANDO & MERCEDES RENDON,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 28, 1994, for work
[done at 519 - 21st Avenue.
[APPLICATION NO. 9210369.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to September 7, 1994 at request of appellants.

APPEAL NO. 94-093

(5) YURY TRUBNIKOV, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on June 29, 1994, for
[work done at 51 Madrone Avenue.
[APPLICATION NO. 9207402.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 2-3 (President Bradstreet, Vice President Alba and Commissioner Felzer dissented) to overrule the department with the condition that the penalty be reduced to six times the regular fee of \$142.68 for a total of \$856.08. Four votes being necessary to overrule a department, the penalty is **SUSTAINED**.

SPEAKERS: Yury Trubnikov, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-098

(6) REBECCA B. CHAMBERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[21, 1994, to Eugene & Eileen
[McGuire, permit to Demolish
[a Single Family Dwelling at
[2283 Turk Street.
[APPLICATION NO. 9409575.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted
5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Rebecca Chambers, appellant; David Bahlman, Foundation for S.F. Archi-
tectual Heritage; Shara Narratil, in opposition to the project; Eugene
McGuire, permit holder; and Bernard McGuire, permit holder's son.

Items 7 to 16 are appeals of the denial by DPW of permits for sidewalk displays and were
heard together.

APPEAL NO. 94-096

(7) HARRY LENCZNER, dba "FELA'S
DISCOUNT STORE", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 720 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-102

(8) KAREN WONG, dba "RICHMOND NEW MAY
WAH SUPERMARKET", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 547 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-103

(9) HI TU TRAN, dba "HAPPY SUPERMARKET",
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 400 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-104

(10) CLEMENT PRODUCE MARKET, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 645 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-105

- (11) F.W. WOOLWORTH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 707 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-107

- (12) NICK NGHIA TRAN, dba "T & L MARKET",
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 339 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-108

- (13) ALFRED THIA, dba "NEW YUET CHEONG
& COMPANY", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 658 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-109

- (14) RICK NGUY, dba "RICHMOND PRODUCE
MARKET", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 304 - 6th Avenue.
[FOR HEARING TODAY.

APPEAL NO. 94-110

- (15) GUO HAI LIU & CUI XIN LAI, dba
"FRUIT BASKET", Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
- [Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 661 Clement Street.
[FOR HEARING TODAY.

APPEAL NO. 94-111

- (16) VIOLET CHEUNG, dba "CHERRY LANE
GIFTS", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 910 Clement Street.
[FOR HEARING TODAY.

ACTION:

After discussion, upon motion by Commissioner Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to OVERRULE the department and GRANT the permits with the following CONDITIONS: the permit holders shall comply with all the conditions of Public Works Code Sections 183' et seq. and the procedures, regulations and guidelines of the Bureau of Sidewalk-Use

and Mapping regarding sidewalk merchandise display before issuance. The Bureau shall make a report on the progress of applications and compliance with the above requirements in three months on the stores at 547 Clement, 645 Clement, 658 Clement, and 661 Clement (Items 8, 10, 13 and 15 on calendar) and a second report after six months on all ten stores which are the subject of these appeals, said reports to be submitted to the Board of Permit Appeals, and copies transmitted to PAR Clement Street Cleanup Committee, the captain of the Richmond District Police Station, and the reports made available to the public. In addition the Clement Produce Market at 645 Clement Street operated by Lefty Prongos, shall be permitted to have a sidewalk merchandise display only along the easterly side of its entrance on Clement Street, and no display shall be permitted along the westerly side of the entrance so long as the sidewalk clearance requirements cannot be met. The existing bus shelter on the sidewalk reduces said clearance below the minimum requirement.

SPEAKERS:

Denise Brady, Bureau Chief for Street-Use and Mapping; Captain Otten, S.F.P.D.; Harry Lenczer, Fela's Discount Store; Joseph R. Igelmund, attorney for Richmond New May Wah Supermarket; Hi Tu Tran, Happy Supermarket; John Moore, attorney and Lefty Prongos, Clement Produce Market; Brian Whitlock, F.W. Woolworth; Ms. Lew for Nick Nghia, T & L Market; Alfred Thia, New Yuet Cheong & Company; Nick Nguy, Richmond Produce Market; Christina Lai for Cui Xin Lai, Fruit Basket; Violet Cheung, Cherry Lane Gifts, appellants; Al Alder, witness for Fela's Discount Store; Ron Miguel, President of PAR; Paul von Beroldingen, Maria Souza, Tom Fields, Jeanne Lynch, Paul Wong, Walter Hoffman, Mrs. Lee, Mark Norton, Jill Hallinan, Isabel Roszbach, Elizabeth Land, in support of Bureau; Arnold Chin, Chinese Chamber of Commerce, in support of appellants.

APPEAL NO. 94-112

(17) DAVID CHEUNG, dba "DAVID'S SIXTH AVENUE AQUARIUM", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 28, 1994, of
[permit for Merchandise Display
[Stand on public sidewalk in
[front of 519 Clement Street.
[FOR HEARING TODAY.

ACTION: WITHDRAWN at hearing by Violet Cheung, appellant's sister.

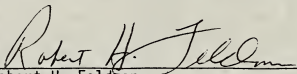
(18) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

(19) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:56 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 17, 1994

5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.
AUG 23 1994
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PUBLIC LIBRARY

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer reported that the Jeremiah O'Brien has visited the U.S. Merchant Marine Academy on Long Island and is now on its way to Baltimore, Maryland.

APPEAL NO. 94-094

(2) APERSEY CONSTRUCTION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appeal for Refund of Penalty
[imposed on June 23, 1994, for
[work done at 388 Market Street.
[APPLICATION NO. 9410051.
[FOR HEARING TODAY.

ACTION: After discussion, Mr. Hutchinson announced that the Bureau would withdraw its penalty in this case. The appeal is deemed ADMINISTRATIVELY WITHDRAWN.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Gerald Griffin, appellant.

APPEAL NO. 94-095

(3) CARLOS C. BALTAZAR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 30, 1994, for work done
[done at 1223 Silver Avenue.
[APPLICATION NO. 8809808.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of \$105.30 for a total of \$421.20.

SPEAKERS: Carlos Baltazar, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-099

(4) TINNA CHEUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 6, 1994, for work done
[at 4525 Cabrillo Street.
[APPLICATION NO. 9404331.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of \$313.30 for a total of \$626.60.

SPEAKERS: Tinna Cheung, appellant; Vance Howard, appellant's husband; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-113

(5) JOSE MARTIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 11, 1994, for work done
[at 12 Harrington Street.
[APPLICATION NO. 9408494.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of \$65.65 for a total of \$131.30.

SPEAKERS: Jose Martin, appellant; and James Hutchinson, Senior Building Inspector for Bureau Building Inspection.

APPEAL NO. 94-114

(6) STEPHEN J. GORSKI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 5, 1994, of
[permit to Alter a Building
[(third-story addition to
[single-family dwelling) at
[2366 - 48th Avenue.
[APPLICATION NO. 9307387S.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to October 12, 1994 with agreement of the parties for A.I.A. mediation.

SPEAKERS: Doug Shaw, designer for appellant; Stephen Gorski, appellant; and David Phillips, in opposition to the project.

APPEAL NO. 94-115

(7) VICTOR H. JUAREZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECTION DISAPPROVAL

[Denial on July 12, 1994, of
[permit to Alter a Building (to
[establish legal use as restau-
[rant) at 235 Church Street.
[APPLICATION NO. 9405740.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Murphy excused because she represents the property owners) to OVERRULE the department and GRANT the permit with findings prepared by agent for appellant (Items 1 to 8 in letter dated July 22, 1994 from Walter Wong).

SPEAKERS: Walter Wong, agent for appellant; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 94-106

(8) PHYLLIS J. CATH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 1, 1994, to Priscilla
[J. Schmitt, permit to Alter
[a Building (new garage, kitchen,
[bathrooms, and seismic updating)
[at 2418 Webster Street.
[APPLICATION NO. 9404800.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by letter dated August 16, 1994 from William Abend, architect for appellant.

The Board recessed from 6:45 to 6:54 p.m.

APPEAL NO. 94-117

(9) MARGARETA EKBLAD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 18,
[1994, to Progress Foundation,
[permit to Alter a Building
[(change of occupancy to residen-
[tial care facility for 20 people)
[at 212 - 214 Ashbury Street.
[APPLICATION NO. 9321842.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and GRANT the permit, incorporating by reference findings of Planning Commission Motion No. 13540.

SPEAKERS: Margareta Ekblad, appellant; Josefina Burgos, architect for appellant; Vojtech Licko, Ph.D., Roberta Carvaelli, in opposition to the project; Judith Boyajian, Deputy City Attorney; Steven Fields, project sponsor; Randy Gerson, architect for permit holder; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-118

(10) RICHARD JONES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 26, 1994, to Wei Chang
[Li, permit to Alter a Building
[(legalize rooms and deck) at
[1515 Innes Street.
[APPLICATION NO. 9319774.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit. The appellant did not appear.

SPEAKER: The permit holder was present but did not speak.

(11) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKER: Commissioner Felzer invited the other Commissioners to attend the final Code Enforcement Task Force meeting on Friday, August 19 at 2:30 p.m.

(12) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 7:36 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 21, 1994
5:30 P.M., CITY HALL, ROOM 282

DEPT. OF PUBLIC WORKS
SEP 27 1994
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer reported on the progress of the Jeremiah O'Brien, which is arriving on Friday, 8:00 a.m. under the Golden Gate Bridge with Commissioner Felzer and Mayor Jordan in the lead fireboat.

APPEAL NO. 94-092

(2) FERNANDO & MERCEDES RENDON,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
June 28, 1994, for work
done at 519 - 21st Avenue.
APPLICATION NO. 9210369.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 (President Bradstreet absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of \$264.88 for a total of \$529.79.

SPEAKERS: Peggy Rendon, appellant's daughter; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection. The appellant was present.

APPEAL NO. 94-122

(3) RAUL RODRIGUEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
August 8, 1994, for work
done at 386 Vienna Street.
APPLICATION NO. 9408111.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 (President Bradstreet absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to five times the regular fee of \$232.05 for a total of \$1,160.25.

SPEAKERS: Abraham Zavala, agent for appellant; and James Hutchinson, Senior Building Inspector for the Bureau of Building Inspection. The appellant was present.

APPEAL NO. 94-131

(4) GLEN FRENCH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 12, 1994, for work
[done at 806 Hayes Street.
[APPLICATION NO. 9401935.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 (President Bradstreet absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of \$280.80 for a total of \$561.60.

SPEAKERS: Glen French, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

Doris Levine swore in all those who missed the first swearing in. President Bradstreet arrived at 6:24 p.m.

APPEAL NO. 94-123

(5) LAWRENCE J. CHAZEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 28, 1994, to Andrews D.
[Black, permit to Alter a Building
[(two-car garage addition at rear
[with roof deck on garage) at
[2709 Larkin Street.
[APPLICATION NO. 9402677.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to **UPHOLD** the department based on the findings stated on the record by Commissioner Chan and **GRANT** the permit with the following **CONDITIONS:** (1) No construction or building materials may be stored in the access portion of the easement (that is, the southernmost 15 feet of the easement). The project sponsor and their contractor shall repair all damage to and restore the easement access to its present condition after construction. (2) Construction shall be limited to the hours of 7:30 a.m. to 4:30 p.m. Monday through Friday. No construction shall be permitted on weekends or holidays. (3) The site shall be sprinkled with

water during the excavation phase. (4) Access to the garages and carports and access by emergency vehicles to the surrounding properties shall be preserved during the construction period. (Tab G of permit holder's submittal dated September 15, 1994 by attorney Michael Traynor)

SPEAKERS: Lawrence Chazen, appellant; George Hauser, architect for appellant; Michael Traynor, attorney for permit holder; Kay Black, permit holder; Stuart Morton, read letter from Frank Hinmam, and Dr. Howard Maibach, in favor of the project.

The Board recessed from 7:23 to 7:33 p.m.

APPEAL NO. 94-124

(6) JAMES W. KINNER, LORRETTA KAVANAUGH,
ANN J. SEWARD, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
[Protesting issuance on
July 29, 1994, to Steve Lee,
[permit to Alter a Building
[(deck addition to rear) at
[155 Lomita Avenue.
[APPLICATION NO. 9409289.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit. The appellant waived the 10-day request for rehearing period.

SPEAKERS: James Kinner, appellant; and Steve Lee, permit holder.

APPEAL NO. 94-143

(7) RONALD S. YAROS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
[Protesting issuance on
August 18, 1994, to Virginia
Lopez, permit to Alter a
Building (convert former
garage to habitable space with
half bath and laundry room
and construct eight foot fence
with gate) at 135 Jordan Avenue.
[APPLICATION NO. 9408178.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 3-1 (President Bradstreet absent and Commissioner Felzer dissented) to **CONTINUE** the matter to September 28, 1994 so parties can continue to try to reach an agreement.

SPEAKERS: Ronald Yaros, appellant and Richard Morris, attorney for permit holder.

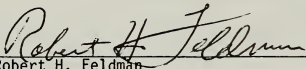
(8) **COMMISSIONERS' COMMENTS AND QUESTIONS.**

SPEAKERS: The Board members had a general discussion of their attitudes regarding mediation prior to hearing.

(9) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: None.

There being no further business, President Bradstreet adjourned the meeting at 8:03 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 28, 1994

5:30 P.M., CITY HALL, ROOM 282

DOCUMENTS DEPT.

OCT 5 1994

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PUBLIC LIBRARY

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Dan McKenna, Urban Forester for Street-Use and Mapping; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan stated her concerns regarding the Board's procedures. President Bradstreet requested that the Executive Director report on these concerns at the next meeting.

Commissioner Felzer gave his final report on the S.S. Jeremiah O'Brien.

APPEAL NO. 94-143

(2) RONALD S. YAROS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 18, 1994, to Virginia
[Lopez, permit to Alter a
[Building (convert former
[garage to habitable space with
[half bath and laundry room
[and construct eight foot fence
[with gate) at 135 Jordan Avenue.
[APPLICATION NO. 9408178.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Ronald Yaros, appellant; Richard Morris, attorney for permit holder; Kim Lew, architect for permit holder; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-121

(3) MICHAEL PHILPOTT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
August 8, 1994, for work
done at 1631 Castro Street.
APPLICATION NO. 9405891.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to seven times the regular fee of \$248.30 for a total of \$1,738.10.

SPEAKERS: Michael Philpott, appellant; William Walter, architect for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-132

(4) SANTOS DACUMOS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appeal for Refund of Penalty
imposed on August 16, 1994, for
work done at 332 Raymond Avenue.
APPLICATION NO. 9315451.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$118.30 for a total of \$236.60.

SPEAKERS: Patrick Hill for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection. The appellant was present but did not speak.

APPEAL NO. 94-133

(5) JIN WON JEW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
August 15, 1994, for work done
at 214 Gaven Street.
APPLICATION NO. 9322301.
FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$183.30 for a total of \$366.60.

SPEAKERS: Jerry Jew for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

Items (6A) and (6B) were heard together

APPEAL NO. 94-138

(6A) HOTEL EMPLOYEES & RESTAURANT
EMPLOYEES LOCAL 2, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 12, 1994, to the Sir
[Francis Drake Hotel, permit
[to Alter a Building (non-
[structural remodeling of corner
[space for sandwich and coffee
[shop) at 432-462 Powell Street.
[APPLICATION NO. 9402528.
[FOR HEARING TODAY.

APPEAL NO. 94-142

(6B) HOTEL EMPLOYEES & RESTAURANT
EMPLOYEES LOCAL 2, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 15, 1994, to the Sir
[Francis Drake Hotel, permit
[to Alter a Building (exhaust
[system for woodburning pizza
[oven area and provide ventila-
[tion in dining and bar areas)
[at 450 Powell Street.
[APPLICATION NO. 9322367.
[FOR HEARING TODAY.

Upon motion by Commissioner Chan, the Board voted 4-0 to excuse Commissioner Murphy because of a conflict of interest. Commissioner Murphy left the hearing room and returned after the Board's recess.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 (Commissioner Murphy excused) to DISMISS the appeals for lack of jurisdiction over disability access issues.

SPEAKERS: Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Sue Hestor, attorney for appellant; and Anna Shimko, attorney for permit holder.

The Board recessed from 7:07 until 7:17 p.m.

APPEAL NO. 94-116

(7) FRANK J. SCHLESSINGER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
URBAN FORESTRY DISAPPROVAL

[Denial on July 14, 1994, of
[permit to Remove and/or Replace
[Nine Trees on the 1400 block
[of Kansas Street.
[ORDER NO. 166,592.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the CONDITION that the appellant replace the nine trees with four trees of a suitable species.

SPEAKERS: Daniel Conrad, attorney for appellant; Frank Schelessinger, appellant; Dan McKenna, Urban Forester for Street-Use and Mapping; Anthony McMills and David Rodriguez, in support of the department; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. V94-119

(8) WILLIAM WALTERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial of Front Yard Variance
[(add a third story to an
[existing one story over garage,
[single-family dwelling) at
[357 Mississippi Street.
[VARIANCE CASE NO. 94.122V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOLD the department and DENY the variance, incorporating by reference findings stated in Variance Case No. 94.122V.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Mary Jane Mikuriya, Melody Wendt and Linda Holstein, in support of the department; and William Walters, appellant.

APPEAL NO. 94-126

(9) CRYSTAL VILLA RESIDENTS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August 5,
[1994 that the subject eight
[proposed three-level, one-family
[dwellings are in general conformity
[with the conditional use authorized
[by Planning Commission Motion
[No. 11931 for the Planned Unit
[Development known as Crystal Villa
[Residences at 555 Cambridge Street,
[east side between Felton and
[Wayland Streets with frontage
[on Yale, Bacon, and Amherst
[Streets, without need to go back
[to the Planning Commission for
[further review.
[COND. USE APPL. NO. 88.562ECSSS.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-1 (Commissioner Murphy dissented) to UPHOLD the determination with findings as stated by President Bradstreet, with additional findings by Commissioner Chan.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; Gail Lang, Elaine Gee, Daniel

McKeever, Gordon Gee, Wing Yue Wong, Ernie Vierra, and Man Ngan So, appellants; Patrick Brown, Fong Win, and Ringo Lau, in opposition to the project; Reverend Arnold Townsend for project sponsor; and Robin Prasadi, Karen Wong, Barbara Knox and Pastor Joseph Richardson, in favor of the project.

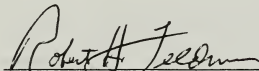
(10) **COMMISSIONERS' COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(11) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:12 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 12, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer gave the last report on the S.S. Jeremiah O'Brien which is again berthed in San Francisco.

APPEAL NO. 94-125

JOHN JENKEL, dba "CARRIAGE CHARTER",
Appellant

vs.

(2) POLICE DEPARTMENT, Respondent

[Protesting issuance on
[July 27, 1994, to Gilles L.
[Cohen and Jeff C. Sears, dba
["Waterfront Carriages", permit
[for vehicle for hire-nonmotorized
[to operate up to five horse drawn
[carriages).
[PERMIT NO. 079335.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to November 9, 1994 for briefing on ISCOTT issue. Briefs to be submitted and exchanged by parties on November 2, 1994.

SPEAKERS: Jeffrey Barker, attorney for S.F.P.D.; Elliott Riley for the Port Commission; Judith Boyajian, Deputy City Attorney; Jay Wallace, attorney for appellant; Tom Creedon, Michael Garavaglia, Marsha Garland, Allen Throop, in support of appellant; Gilles Cohen and Jeff Sears, permit holders; and Henry Boyd and Jerry Klein, in support of permit holders.

APPEAL NO. 94-114

(3) STEPHEN J. GORSKI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 5, 1994, of
[permit to Alter a Building
[(third-story addition to
[single-family dwelling) at
[2366 - 48th Avenue.
[APPLICATION NO. 9307387S.
[FOR FURTHER HEARING TODAY.

ACTION: RESCHEDULED prior to hearing with agreement of parties to October 19, 1994 for report from A.I.A. Advisory Design Review Panel.

Items (4A), (4B) and (4C) were heard together. On May 25, 1994 this Board upheld Application 9320344 for a three-car garage at 3050 Pacific Avenue under Appeal No. 94-043.

APPEAL NO. 94-100

(4A) KATHRYN TAYLOR & TOM STEYER, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated June 30,
[1994, that the suspension of
[Building Permit Application
[No. 9320344 be lifted for the
[proposed garage at 3050 Pacific
[Avenue (under construction).
[The suspension had been requested
[because of complaints from neigh-
[bors that construction is not
[consistent with plans shown
[to them prior to the filing
[of the application.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the determination with additional findings as stated by Commissioner Murphy and the four CONDITIONS as listed on page two of the letter dated October 6, 1994 from Orrick, Herrington & Sutcliffe to the Board are imposed on the permit holder to mitigate the affects of the garage on the neighbors.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Kathryn Taylor, appellant; Clint Callan and John McInerney, attorneys for permit holder; and Howard Wexler, attorney for appellants.

The Board recessed from 7:19 to 7:31 p.m.

APPEAL NO. 94-134

(4B) JOHN HULKA & NANCY ABBEY, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Letter by the Zoning Administrator
dated August 8, 1994, to Kathryn
Taylor concerning the Department
of City Planning's determination
that the garage built at 3050
Pacific Avenue is in a front yard
versus rear yard, the front setback
exception for this case, and the
height allowed for the garage
under the Planning Code.
FOR HEARING TODAY.]

APPEAL NO. 94-135

(4C) LEO W.K. CHENG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Letter by the Zoning Administrator
dated August 8, 1994, to Kathryn
Taylor concerning the Department
of City Planning's determination
that the garage built at 3050
Pacific Avenue is in a front yard
versus rear yard, the front setback
exception for this case, and the
height allowed for the garage
under the Planning Code.
FOR HEARING TODAY.]

ACTION:

After discussion, upon motion by Commissioner Felzer, the Board voted 3-2 (Commissioners Chan and Murphy dissented) to deny jurisdiction. Four votes are needed and the motion failed. Then on motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department with additional findings as stated by Commissioner Murphy and the four CONDITIONS as listed on page two of the letter dated October 6, 1994 from Orrick, Herrington & Sutcliffe to the Board are imposed on the permit holders to mitigate the affect of the garage on the neighbors.

SPEAKERS:

Howard Wexler, attorney for John Hulka and Nancy Abbey; Robert Passmore, Zoning Administrator for Department of City Planning; Dr. Leo and Julia Cheng, appellants; Nancy Abbey, appellant; Clint Callan and John McInerney, attorneys for permit holder; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Theo Schwabacher and Michael Gallagher, permit holders; Judith Hulka, appellant; Jerome Marks for Gladys Mitchell, in support of appellants; and Henry Prien and Lisa Severi, in favor of the project.

APPEAL NO. 94-136

NORTHWEST BERNAL BLOCK CLUB,
Appellant
(5) vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated August 10,
1994 by the Zoning Administrator
authorizing three two-by-two foot
signs placed on the inside of
the Mission Street facade windows
of the check cashing establishment
at 3201 Mission Street.
Application No. 9221412 for
financial service store upheld
by BPA with ten conditions on
July 7, 1993; Appeal No. 93-107.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the determination.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Miguelina Mejia, check cashing operator; and Charles Bolton, Gus Gonzalez, Micki Saxon, Mike Kelley, appellants.

[This item was taken last on the calendar after Items 7A and 7B.]

APPEAL NO. 94-137

MERRILL REESE, INC., Appellant
(6) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
August 11, 1994, to Pacific
Centre Associates, permit to
Alter a Building (overhead scaf-
fold constructed as part of con-
dition for approval for Pacific
Center issued by the S.F. Plan-
ning Commission Motion 13565)
at 801 Market Street.
APPLICATION NO. 9402219.
FOR HEARING TODAY]

When this item was called Commissioner Chan moved that President Bradstreet be excused because of a conflict of interest (vote 5-0). President Bradstreet left the meeting at 9:48 p.m. before the testimony began at 9:49 p.m. Vice President Alba chaired the meeting thereafter.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 (President Bradstreet excused) to UPHOLD the department and GRANT the permit with CONDITIONS: (1) Lighting shall be provided with centers no less than eight feet along the structure and shall be sufficient to keep the structure and sidewalk well lit with lights of at least 80 watts each. The light will further be maintained so as to not be a hazard to public health and safety. (2) At the entrance to 821 Market Street and the area between the Wells Fargo ATMs and Merrill's entrance a pre-fabricated wrought iron fence shall be used instead of gypsum barricade sheetrock material, subject to approval by City agencies. (3) The steel posts shall be highlighted to reduce the hazards to pedestrians. (4)

The centered steel posts at Market and Fourth Streets shall be 4" x 4"'s as described in paragraph 8 of the letter from Ahmanson Commercial Development Company dated October 6, 1994. (5) And as a further condition, the property owner shall provide maintenance personnel sufficient to promptly mitigate any adverse conditions, including replacement of broken and defective lighting, removal of graffiti, posters and bills, and to insure the prompt and diligent removal of debris.

SPEAKERS: David Reese, appellant; Inspector Phil McGee, S.F.P.D., Carolyn Diamond, Bob Mendes, Frank Sherman, John Elbering in favor of appellant; William Loadvine, permit holder; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Passmore, Zoning Administrator for Department of City Planning.

Items (7A) and (7B) shall be heard together [This item was taken after Item 5.]

	<u>APPEAL NO. 94-151</u>	
(7A)	ROBERT ROSSI & MARK BECHELLI, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on [August 26, 1994, to McDonald's [Corporation, permit to Demolish [a Building at 820 Bryant Street. [APPLICATION NO. 9403714. [FOR HEARING TODAY.

	<u>APPEAL NO. 94-155</u>	
(7B)	ROBERT ROSSI & MARK BECHELLI, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on [September 1, 1994, to McDonald's [Corporation, permit to Erect [a Building (restaurant) at [820 Bryant Street. [APPLICATION NO. 9403717. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit incorporating findings by the Planning Commission on Prop M.

SPEAKERS: Stephen Sayad, attorney for appellants; and Harry O'Brien, attorney for permit holder.

(8) COMMISSIONERS' COMMENTS AND QUESTIONS.

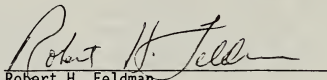
SPEAKER: The Executive Director explained that he had responded to Edith McMillan's comments at the previous meeting with the memo in their packets.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 12, 1994 (cont'd.)

(9) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, Vice President Alba adjourned the meeting at 10:58 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 19, 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy. Commissioner Felzer arrived at 6:30 p.m. and participated in Items 4A through 7.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 94-114

(2) STEPHEN J. GORSKI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 5, 1994, of
[permit to Alter a Building
[(third-story addition to
[single-family dwelling) at
[2366 - 48th Avenue.
[APPLICATION NO. 9307387S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 (Commissioner Felzer absent) to **OVERRULE** the department and **GRANT** the permit with findings on **CONDITION** that the plans be revised as recommended by the A.I.A. Advisory Design Review Panel.

SPEAKERS: Warner Schmaltz, A.I.A. Advisory Design Review Panel; Robert Passmore, Zoning Administrator for Department of City Planning; David Phillips, Dennis Herrera, Sandra Magana, Jimmy Wong, in opposition to the project; Stephen Gorski, appellant; Mike Larned, in support of the project; and Doug Shaw, designer for appellant.

APPEAL NO. 94-141

(3) RENATO G. CRUZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 30, 1994, for work
[done at 422 London Street.
[APPLICATION NO. 9314861.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 (Commissioner Felzer absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of \$1,000.00.

SPEAKERS: Renato Cruz, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

Commissioner Felzer arrived at 6:30 p.m. at the conclusion of Item 3.

Items (4A), (4B), (4C), and (4D) were heard together

APPEAL NO. 94-127

(4A) BERTRAM J. RODGERS, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on [August 2, 1994, to Li Hung Chen, [site permit to Alter a Building [(one story vertical addition [and interior remodeling) at [3310 Baker Street. [APPLICATION NO. 9306133S. [FOR HEARING TODAY.
--	---

APPEAL NO. 94-128

(4B) NEVE G. STEVENS, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on [August 2, 1994, to Li Hung Chen, [site permit to Alter a Building [(one story vertical addition [and interior remodeling) at [3310 Baker Street. [APPLICATION NO. 9306133S. [FOR HEARING TODAY.
--	---

APPEAL NO. 94-129

(4C) ANGELO A. DAPRANO, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on [August 2, 1994, to Li Hung Chen, [site permit to Alter a Building [(one story vertical addition [and interior remodeling) at [3310 Baker Street. [APPLICATION NO. 9306133S. [FOR HEARING TODAY.
--	---

APPEAL NO. 94-130

(4D) THOMAS F. CLOTHIER, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on [August 2, 1994, to Li Hung Chen, [site permit to Alter a Building [(one story vertical addition [and interior remodeling) at [3310 Baker Street. [APPLICATION NO. 9306133S. [FOR HEARING TODAY.
---	---

During the testimony of the permit holder's architect, a preliminary soils report was submitted and discussed. The preparer of the report, Ed Lau of Transpacific Geotechnical Consultants, Inc., is a client of Commissioner Chan's law firm.

Upon motion by President Bradstreet, the Board voted 4-1 to excuse Commissioner Chan because of a conflict of interest. Commissioner Chan left the hearing room at 7:50 p.m. and returned at 9:28 p.m. to participate in the remaining appeals.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 1-3 (President Bradstreet, Vice President Alba, Commissioner Murphy dissented) to uphold the department and grant the permit. Although the motion failed, the permit is UPHELD as is, since four votes are necessary to overrule a departmental decision, and there were only three votes opposed to the project.

SPEAKERS: Bertram Rodgers, Neve Stevens, Angelo DaPrano, Thomas Clothier, appellants; John Farrell, Howard Schuman, in opposition to the project; Gabriel Ng, architect for permit holder; Hermund Wong, in favor of the project; Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; and Warner Schmaltz, A.I.A. Advisory Design Review Panel.

The Board recessed from 7:20 to 7:32 and 9:23 to 9:28 p.m. Commissioner Chan returned to his seat.

APPEAL NO. 94-139

(5) ABIGAIL MYERS & GEOFFREY BAUMAN, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL	[Protesting issuance on [August 12, 1994, to Leslie [Reif and Mildred Phillips, [permit to Alter a Building [(two-story addition, new [elevated deck, alterations [to first and second stories [and front entry) at [555 Prentiss Street. [APPLICATION NO. 9400902. [FOR HEARING TODAY.
---	---

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITIONS as set forth in Exhibit 1 of the permit holder's statement dated October 3, 1994.

SPEAKERS: Abigail Myers and Geoffrey Bauman, appellants; Rick Phillips, designer for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and Norma Planiszka, in support of the project.

APPEAL NO. 94-140

- (6) KATHLEEN McHUGH & ASHLEY BLACK, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[August 16, 1994, to Richard
[and Joyce Brink, permit to Alter
[a Building (legalize rear deck)
[at 824 Waller Street.
[APPLICATION NO. 9014153.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and GRANT the permit with CONDITIONS: The encroachment over appellants' property shall be removed within 60 days; the deck approved by the Zoning Administrator is upheld; the plans shall be revised to comply with relevant provisions of the Building Code and the variance granted by the Zoning Administrator.

SPEAKERS: Kathleen McHugh, Ashley Black, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Margaret Pendergast, attorney for permit holders; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 94-144

- (7) TIMOTHY C. FOLEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Protesting issuance on
[August 18, 1994, to Peter Wan,
[permit to remove and replace
[one tree in front of
[854 - 31st Avenue.
[ORDER NO. 166,979.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings as stated by Commissioner Chan.

SPEAKERS: Timothy Foley, appellant; Dan McKenna, Urban Forester for Street-Use and Mapping; and Peter Wan, permit holder.

Item 8 was taken first on the calendar because the City Attorney's Office advised the Board that it had no jurisdiction over the design of the subject property under the approved Redevelopment plan for the Western Addition A-2 Project Area.

APPEAL NO. 94-145

- (8) 2261 BUSH HOMEOWNERS' ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT AGENCY APPROVAL
- [Protesting issuance on
[August 19, 1994, to Bart Seidler
[permit to Erect a Building
[(36 condominiums with commercial
[space below) at 2295 Bush Street.
[APPLICATION NO. 9320379S.
[FOR HEARING TODAY.

MINUTES OF THE BOARD OF PERMIT APPEALS, OCTOBER 19, 1994 (cont'd.)

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 (Commissioner Felzer absent) to UPHOLD the department and GRANT the permit with no prejudice to the permit holder.

SPEAKERS: Judith Boyajian, Deputy City Attorney, Alice Barkley, attorney for appellant; and David Cincotta, attorney for permit holder.

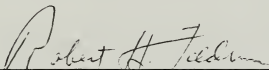
(9) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

(10) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 10:48 p.m.



Robert H. Feldman
Executive Director

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

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WEDNESDAY, OCTOBER 26, 1994

OCT 31 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Ike Felzer.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Jacque Hansen asked if she could testify early on Item 7 since she had to leave for another event. President Bradstreet explained she could write a note to the Board in the event she had to leave early.

APPEAL NO. 94-156

(2) IRA SANDLER, dba "TEN 15 INC.",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on September 2, 1994, of
Dance Hall Keeper-After Hours-
Amendment permit at 1015 Folsom
Street.
FOR HEARING TODAY.]

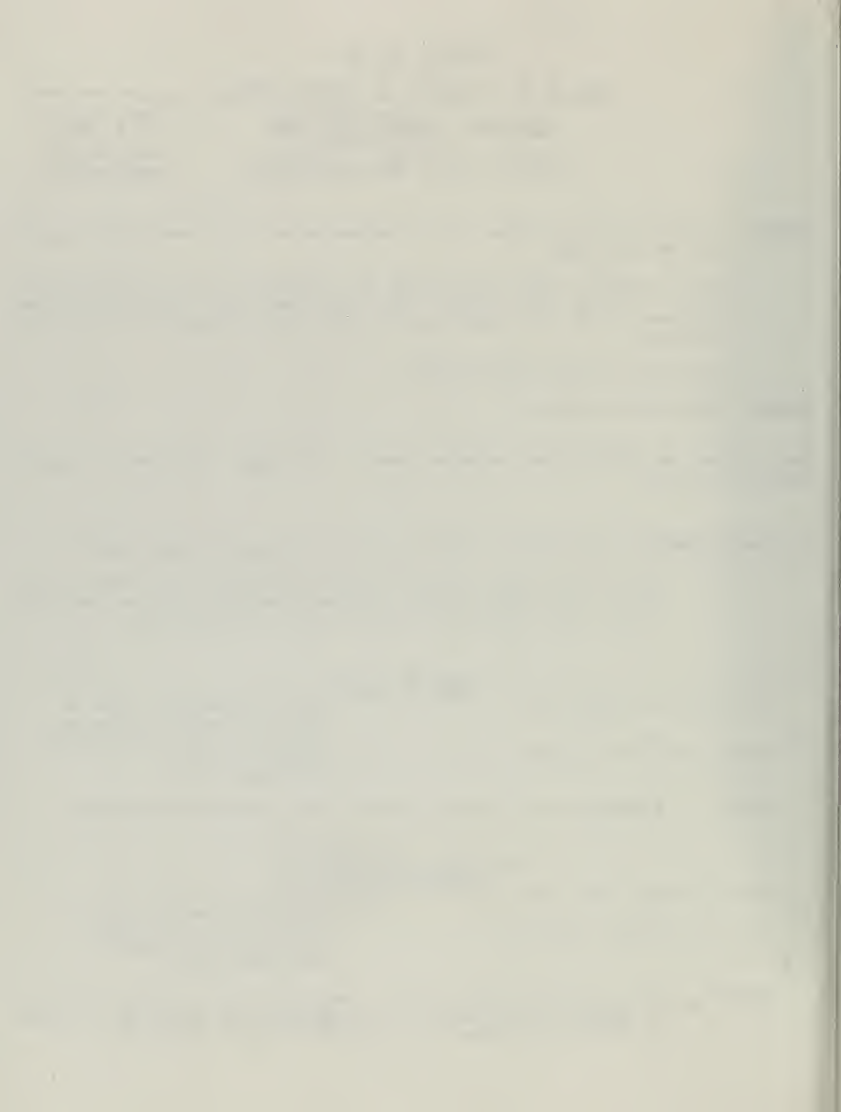
ACTION: WITHDRAWN prior to hearing by Meriel Lindley, attorney for appellant.

APPEAL NO. 94-146

(3) PACIFIC REGIONAL GROUP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
August 25, 1994, for work done
at 263-265 Arkansas Street.
APPLICATION NO. 9408751.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$183.30 for a total of \$366.60.



SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection. The appellant was not present.

APPEAL NO. 94-147

- (4) CIRIMELE ELECTRIC WORKS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
- [Imposition of Penalty on
[August 31, 1994, for work
[done at 2043 Green Street.
[ELEC. PERMIT NO. E131278.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of \$67.25 for a total of \$269.00.

SPEAKERS: Jean Cirimele, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-152

- (5) TIMOTHY & DOROTHY KITT, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL
- [Denial on August 31, 1994,
[of permit to Alter a Building
[(install awning over entrance)
[at 60 Parkridge Drive.
[APPLICATION NO. 9401765.
[FOR HEARING TODAY.

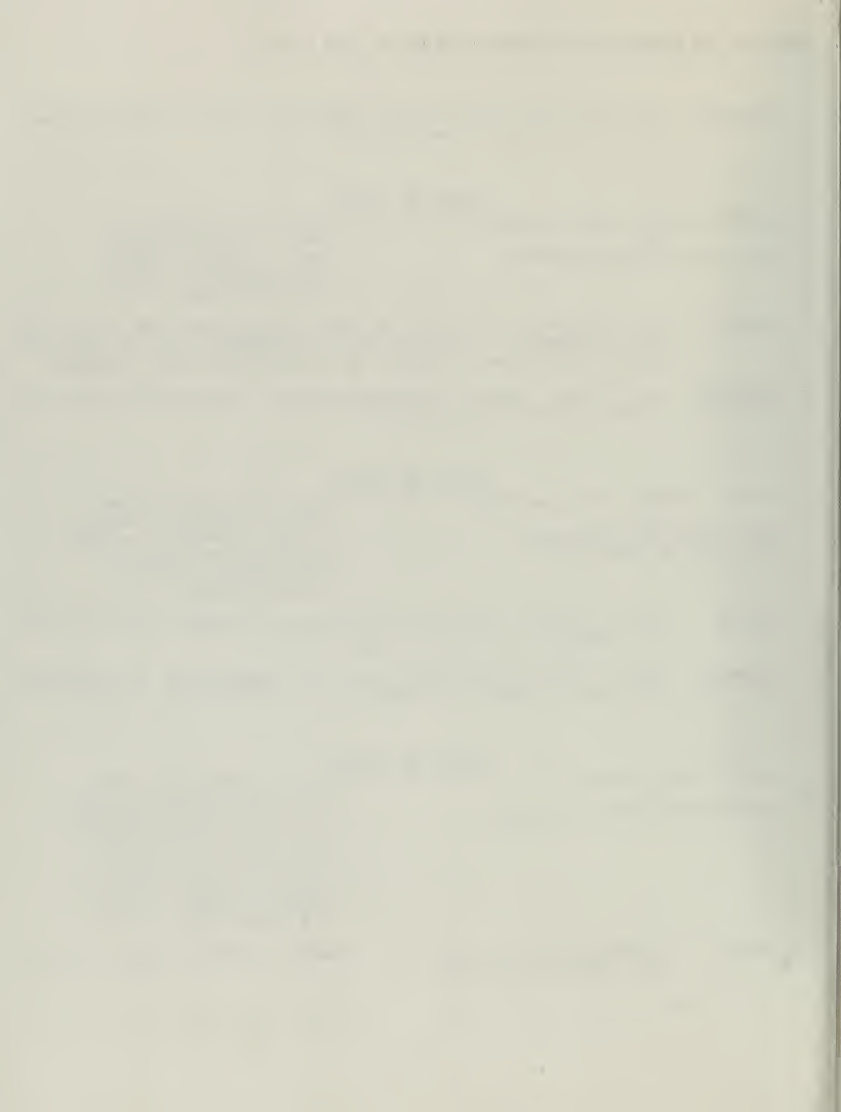
ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Alex Romanoff, contractor for appellants; and Dorothy Kitt, appellant.

APPEAL NO. V94-148

- (6) JOSEPH CAMHI, Appellant
vs.
ZONING ADMINISTRATOR, Respondent
- [Denial on September 2, 1994,
[of Off-Street Parking variance
[(to add a second dwelling unit
[in basement without providing
[the requisite one off-street
[parking space) sought for
[property at 3830 - 21st Street.
[VARIANCE CASE NO. 94.301V.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to December 7, 1994 at request of Jerry Klein, agent for appellant.



APPEAL NO. 94-162

(7) GERALD J. HUBER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated September
[21, 1994 by the Zoning Admin-
[istrator that a conditional use
[application for a massage estab-
[lishment at 745A Polk Street may
[not be considered by the Planning
[Commission for the reason that
[Section 790.60 of the Planning
[Code prohibits such uses within
[1,000 feet of an existing estab-
[lishment, and there are two such
[uses within 1,000 feet of 745A
[Polk Street.
[CONDITIONAL USE APPL. NO. 94.476C.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 4-0 to OVERRULE the determination with findings to be prepared by Brett Gladstone. The Board determined that the subject use is a personal services business similar to a medical office and is a principal permitted use under Planning Code Section 790.116, and that conditional use authorization by the Planning Commission is not necessary, although a Police permit is necessary. Commissioner Murphy said she intended to write to the Police Commission recommending that the language regulating massage establishments in the Police Code should be made clearer.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Brett Gladstone, attorney for appellant; Gerald Huber, appellant; and Jacques Hansen, Robert Palajkis and John Spain, in support of the appellant.

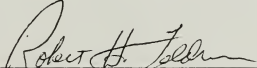
(8) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

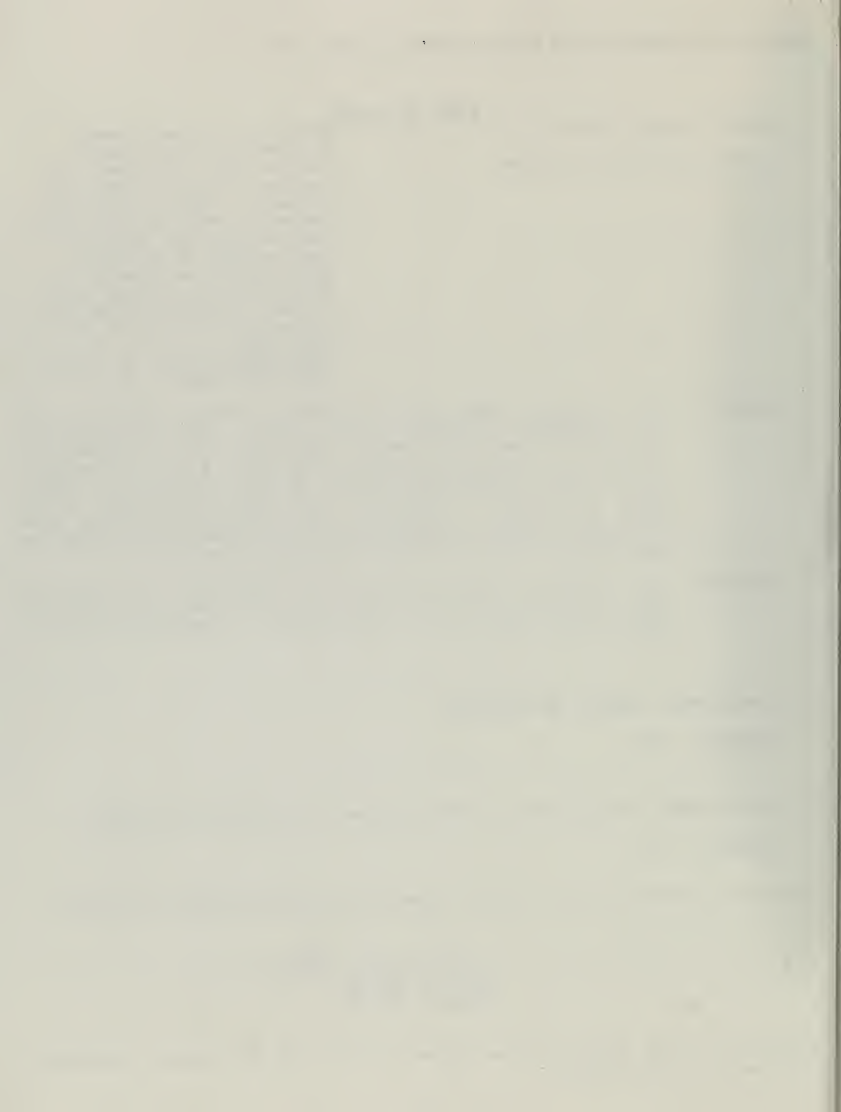
(9) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 6:43 p.m.



Robert H. Feldman
Executive Director



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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 9, 1994
5:30 P.M., CITY HALL, ROOM 282

PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

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Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

- (2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Stephen Sayad, attorney for appellants requesting rehearing of Appeal No. 94-155, 820 Bryant Street. Hearing October 12, 1994. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit incorporating findings by the Planning Commission on Prop M.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to DENY the request for rehearing.

SPEAKERS: Stephen Sayad, attorney for appellants; Robert Passmore, Zoning Administrator; Harry O'Brien, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

ITEM B: Letter from Thomas and Nancy Clothier, appellants, requesting rehearing of Appeal No. 94-130, 3310 Baker Street. Hearing October 19, 1994. Upon motion by Commissioner Felzer, the Board voted 1-3 (President Bradstreet, Vice President Alba and Commissioner Murphy dissented, Commissioner Chan excused) to uphold the department and grant the permit. Although the motion failed, the permit is UPHELD as is, since four votes are necessary to overrule a departmental decision, and there were only three votes opposed to the project.

Upon motion by Commissioner Murphy, the Board voted 3-1 (Commissioner Felzer dissented) to excuse Commissioner Chan because of conflict of interest.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 3-1 (Vice President Alba dissented) to DENY the request for rehearing.

SPEAKERS: Thomas Clothier, appellant; Gabriel Ng, architect for permit holder; and Robert Passmore, Zoning Administrator.

APPEAL NO. 94-125

(3) JOHN JENKEL, dba "CARRIAGE CHARTER",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on
[July 27, 1994, to Gilles L.
[Cohen and Jeff C. Sears, dba
["Waterfront Carriages",
[permit for vehicle for hire-
[nonmotorized (to operate up
[to five horse drawn carriages).
[PERMIT NO. 079335.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING HELD AND CLOSED
[OCTOBER 12, 1994.
[BRIEFS ON ISCOTT ISSUE DUE BY
[NOVEMBER 2, 1994.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted to CONTINUE the matter to **December 14, 1994** for review by ISCOTT.

SPEAKERS: Jay Wallace, attorney for appellant; Judith Boyajian, Deputy City Attorney; Elena Sears, for permit holders; and Jeffrey Barker, attorney for S.F.P.D.

APPEAL NO. 94-159

(4) WILLIAM R. CLINTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[imposed on September 14, 1994,
[for work done at 870 Northpoint
[Street.
[PLUMBING PERMIT NO. 323952.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 3-2 to overrule the department with the condition that the penalty be reduced to two times the regular fee of \$85.05 for a total of \$170.10. Then on a second motion by Commissioner Felzer, the Board voted 5-0 to rescind the first vote, and to OVERRULE the department with the CONDITION that the penalty be reduced to four times the regular fee of \$85.05 for a total of \$340.20.

SPEAKERS: William Clinton, appellant; and Greg Perini, Plumbing Inspector for Department of Public Works.

The Board recessed from 7:13 to 7:22 p.m.

APPEAL NO. 94-158

- (5) BAY CITIES REFUSE SERVICE, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent
- [Protesting issuance on
[September 7, 1994, to Industrial
[Carting, permit to Collect Refuse
[from the U.S. Navy at Yerba Buena
[and Treasure Islands.
[PERMIT NO. C09801.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and to GRANT the permit with findings to be prepared by John Cooper, Deputy City Attorney for adoption at a future meeting.

SPEAKERS: Ben Gale, Director of Environmental Health Services; John Cooper, Deputy City Attorney; Albert Bianchi, attorney for appellant; Barry Adams, attorney for permit holder; and Curtis Michelini, permit holder.

APPEAL NO. 94-154

- (6) JEAN-LOUIS VIGNE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[September 1, 1994, to Nancy Chin,
[permit to Alter a Building (add
[second story to include bath,
[bedroom and family room) at
[472 Dellbrook Avenue.
[APPLICATION NO. 9304124S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Jean-Louis Vigne, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Nancy Chin, permit holder.

APPEAL NO. 94-163

- (7) JAMES N. GRAY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[September 20, 1994, to Anna
[Kauffman, permit to Alter a
[Building (add 200 s.f. redwood
[roof deck) at 1407 Montgomery
[Street.
[APPLICATION NO. 9221498.
[FOR HEARING TODAY.

ACTION: CONTINUED at hearing to November 16, 1994 for reports from Bureau of Building Inspection and City Planning, and site visits by the Commissioners.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; James Gray, appellant; Peter Ingram, Ann Pirie read letter from Patricia Sheean, Steve Meyers read letter from Mark Benioff, in opposition to the project; Anna Kauffman, permit holder; Chris Lundrgren, in support of the project; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

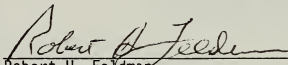
(8) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

(9) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:15 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 16, 1994
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **ADOPTION OF FINDINGS:** Appeal No. 94-162, 745A Polk Street. Hearing October 26, 1994. Upon motion by Commissioner Murphy, the Board voted 4-0 (Commissioner Felzer absent) to **OVERRULE** the determination with findings to be prepared by attorney for appellant. The Board determined that the subject use is a personal services business similar to a medical office and is a principal permitted use under Planning Code Section 790.116, and that conditional use authorization by the Planning Commission is not necessary, although a Police permit is necessary. Commissioner Murphy said she intended to write the Police Commission recommending that the language regulating massage establishments in the Police Code should be made clearer.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to **ADOPT** findings.

APPEAL NO. 94-163

(3) JAMES N. GRAY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 20, 1994, to Anna
[Kauffman, permit to Alter a
[Building (add 200 s.f. redwood
[roof deck) at 1407 Montgomery
[Street.
[APPLICATION NO. 9221498.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with the CONDITION that transparent paneling shall be installed around the deck, subject to Building Code requirements.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Donna and James Gray, appellants; Anna Kauffman, permit holder; Ed Blankenship, architect for permit holder; and Rafael Torres-Gil, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-165

- (4) CHAK WANG LAM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[September 30, 1994, for work
[done at 271 Harold Avenue.
[APPLICATION NO. 9410932.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Vice President Alba dissented) to OVERRULE the department with the CONDITION that the penalty be reduced to two times the fee for work totaling \$8,000.00.

SPEAKERS: Patrick Lam, for appellant; and Rafael Torres-Gil, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-166

- (5) MACHIKO KOBIALKA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Imposition of Penalty on
[October 4, 1994, for work
[done at 1 Isola Way.
[APPLICATION NO. 9415582.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$459.55 for a total of \$919.10.

SPEAKERS: James Slonika, for appellant; Machiko Kobialka, appellant; and Rafael Torres-Gil, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-167

- (6) LAURA PARKER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
- [Protesting issuance on
[September 19, 1994, to Marta
[Gasinska, permit to Alter a
[Building (first and second
[floor addition with stairs)
[at 1237 DeHaro Street.
[APPLICATION NO. 9410025S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** at hearing by appellant with parties agreeing to the following **CONDITIONS:** The appellant agrees to withdraw the appeal; the permit holder agrees to install a skylight in the appellant's house and to pay anything above \$500.00 for it; permit holder warrants it against leaks; permit holder shall cover the wall of the addition with greenery and shall rebuild the retaining wall at her own expense.

SPEAKERS: Daniel Payne, for appellant; Maciej Wlodarczyk, contractor for permit holder; and Marta Gasinska, permit holder.

The Board recessed from 6:54 to 7:07 p.m.

APPEAL NO. 94-168

(7) EDITH McMILLAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 30, 1994, to Hermund
[Wong, permit to Alter a Building
[(two-story rear addition with
[roof deck) at 646 - 29th Avenue.
[APPLICATION NO. 9310504.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-1 (Commissioner Felzer dissented) to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the side railings on the deck shall be set in two feet from edge.

SPEAKERS: Edith McMillan, appellant; Evelyn Wilson, in opposition to the project; Robert Passmore, Zoning Administrator for Department of City Planning; Hellmund Wong for permit holder; and Hermund Wong, permit holder.

APPEAL NO. 94-170

(8) JANICE E. COHEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 20, 1994, to Dale
[Dombkowski and Naomi Porat,
[permit to Alter a Building
[(deck addition at rear with
[required stairs) at
[1365 - 4th Avenue.
[APPLICATION NO. 9320759.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 3-2 (Commissioners Chan and Murphy dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Janice Cohen, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Naomi Porat and Dale Dombkowski, permit holders.

APPEAL NO. 94-164

- (9) SCOTT R. DUCHIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated September 21, 1994 by the Zoning Administrator that a conditional use application for a massage establishment at 2218 Lombard Street may not be considered by the Planning Commission for the reason that Section 790.60 of the Planning Code prohibits such uses within 1,000 feet of an existing establishment, and there is an establishment within 1,000 feet of 2218 Lombard Street.
[CONDITIONAL USE APPL. NO. 94.433C.
[FOR HEARING TODAY.

ACTION: RESCHEDULED to December 7, 1994 at request of Brett Gladstone, attorney for appellant.

APPEAL NO. V94-173

- (10) JOSIE ROBERTS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on October 4, 1994, to Mercy Charities, Inc., Rear Yard Modification Variance (demolish an existing warehouse and construct a four-story over garage, 50-unit affordable housing project) at 1035 Folsom Street.
[VARIANCE CASE NO. 93538EVDD.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the modification variance and the findings by the Zoning Administrator.

SPEAKERS: Kenneth Roberts, attorney for Josie Roberts; Steve Vettel, attorney for property owner; Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Clark, in opposition to the variance.

- (11) COMMISSIONERS' COMMENTS AND QUESTIONS.

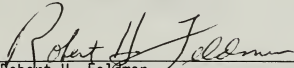
SPEAKERS: None.

- (12) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 16, 1994 (cont'd.)

There being no further business, President Bradstreet adjourned the meeting at 8:45 p.m.


Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

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WEDNESDAY, NOVEMBER 30, 1994

DEC 9 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: Lieutenant Ed Pecinovsky thanked the Board for its kind thoughts for Jeff Barker and introduced Sergeant Bill Coggan, Jeff's replacement. The Board praised Jeff's dedication to his work and directed the Executive Director to prepare a resolution and transcript to be presented to Jeff's family.

(2) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

Letter from Alfred Sanchez, agent for Matthew and Hazel Wilson, requesting that the Board take jurisdiction over Order to Cease Violation of the City Planning Code at 930 Minnesota Street (BPA No. 9220882).

Date of Order	August 18, 1994
Appeal period ended	September 2, 1994
Request for jurisdiction	November 10, 1994

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to **GRANT** jurisdiction over the variance decision. Mr. Wilson has 10 days to file an appeal.

SPEAKERS: Alfred Sanchez, agent for requestor; Matthew Wilson, requestor; Robert Passmore, Zoning Administrator; and Janet Carpinelli and Joe Boss, in opposition to the request.

APPEAL NO. 94-172

- (3) JOHN L. STANTON, dba "BRUNO'S RESTAURANT", Appellant
vs.
POLICE DEPARTMENT, Respondent
- [Denial on September 28, 1994,
[of Mechanical Amusement Device
[permit at 2389 Mission Street.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by Randall Knox, attorney for appellant.

APPEAL NO. 94-177

- (4) SAVE OUR STREETS, Appellant
vs.
POLICE DEPARTMENT, Respondent
- [Protesting issuance on
[October 12, 1994, to Michael
[Ofenham, Liane Ofenham and
[Martin Ofenham, dba "Mutual Loan
[Office", Pawnbroker permit at
[1167 Sutter Street.
[PERMIT NO. 082012.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Lieutenant Bruce Lorin, S.F.P.D., Robert Garcia, appellant; Judith Bojajian, Deputy City Attorney; Christopher Mazzeras, Chris Kiyabu, William Laude, in favor of appellant; Catherine McCasey, attorney for permit holders; Liane Ofenham, permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 7:00 to 7:13 p.m.

APPEAL NO. 94-179

- (5) THOMAS LAI, dba "SUZAN'S BAR & GRILL", Appellant
vs.
POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL
- [Denial on October 18, 1994,
[of Billiard Parlor permit (for
[one pool table) at 3155 Vicente
[Street, for lack of conditional
[use authorization by the Planning
[Commission.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to OVERRIDE the Planning Department disapproval with findings and GRANT the permit to allow one pool table as an accessory use with no signs advertising the table.

SPEAKERS: Lieutenant Bruce Lorin; Robert Passmore, Zoning Administrator for Department of City Planning; and Thomas Lai, appellant.

APPEAL NO. 94-161

(6) LOUISA LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
September 14, 1994, for work
done at 2051 - 44th Avenue.
APPLICATION NO. 9403150.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to OVERRIDE the department with the CONDITION that the penalty be reduced to two times the regular fee of \$118.30 for a total of \$236.60.

SPEAKERS: Dennis Lee, for appellant; and Joan MacQuarrie, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 89-209

(7) NATIVIDAD KORDZIEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 22, 1989,
of permit to Alter a Building
[(legalization of second curb
(cut) at 949 Brussels Street.
APPLICATION NO. 8908909.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to UPHOLD the department and DENY the permit with the CONDITION that that immediate enforcement shall be stayed until title passes to someone outside the family and the Notice of Decision and Order shall be recorded on the land records.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Natividad Kordziel, appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 8:08 to 8:14 p.m.

APPEAL NO. 94-169

(8) IMOGENE GIELING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
September 20, 1994, to Eckhard
Evers, permit to Alter a Building
[(add penthouse and roof deck)
at 20 Beaver Street.
APPLICATION NO. 9411666S.
FOR HEARING TODAY.]

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permit with findings by President Bradstreet.

SPEAKERS: Imogene Gieling, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Brian Christianson, Drs. Robert Bush and Michael Flick, William Campbell, Mara Feeney, David Neal, Elayna Zuppan, Robert Dufort, in opposition to the project; Steven Vettel, attorney for permit holder; Eckhard Evers, permit holder; Andreas Merkl, Stewart Wilson, Tom Denenck, Michael Sherlock, Allan Riddell, in support of permit holder.

APPEAL NO. 94-174

(9) EVIN OLLINGER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 30, 1994, to Melanie
[Born, permit to Alter a Build-
[ing (extend kitchen in rear and
[repair decks) at 1276 Stanyan
[Street.
[APPLICATION NO. 9411661.
[FOR HEARING TODAY.

ACTION: Upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit. The appellant did not appear.

SPEAKERS: Judith Boyajian, Deputy City Attorney; and Melanie Borne, permit holder.

APPEAL NO. 94-176

(10) MORTON & BARBARA ROSENBLUM,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[on October 12, 1994, to Charley
[and Margaret Ann Charnas, permit
[to Alter a Building (rear yard
[additions at second, third,
[fourth floors, kitchen and
[master bedroom suite remodel)
[at 3769 Jackson Street.
[APPLICATION NO. 9405770S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Steven Whitmore, attorney for appellant; Robert Passmore, Zoning Administrator, Department of City Planning; Howard Wexler, attorney for permit holder; Joan MacQuarrie, Senior Building Inspector; and Judith Boyajian, Deputy City Attorney.

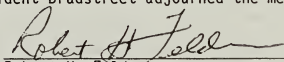
(12) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

(13) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 9:19 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 7, 1994

5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

- (1) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: President Bradstreet read the resolution in memory of Jeffrey Barker. Commissioner Felzer asked for a moment of silence for those who died at Pearl Harbor.

APPEAL NO. 94-175

PETER COOPER, dba "THE COOPERAGE",
Appellant

[Suspension on October 7, 1994,
[of Mechanical Amusement Device
[permit for 120 days at
[5320 Geary Blvd.
[FOR HEARING TODAY.

- (2) vs.
POLICE DEPARTMENT, Respondent

ACTION: CONTINUED to December 14, 1994 to allow appellant to be present and testify. No additional briefs are to be submitted.

SPEAKERS: Randall Knox, attorney for appellant; and Sgt. William Coggan, attorney for S.F.P.D. Mrs. Cooper was present. Mr. Knox agreed that devices would not be used until the Board decided the appeal.

APPEAL NO. 94-178

FRANCISCO GONZALEZ, Appellant
vs.

[Appealing for Refund of Penalty
[imposed on October 20, 1994,
[for work done at 270 Lisbon Street.
[APPLICATION NO. 9413128.
[FOR HEARING TODAY.

- (3) DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 7, 1994 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to OVERRULE the department with the CONDITION that the penalty be reduced to four times the regular fee of \$134.55 for a total of \$538.20.

SPEAKERS: Francisco Gonzalez, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-110

(4) ROBERT M. TIBBITS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing conditions of
[approval requiring full
[fireproofing and sprinkling
[of entire building by Bureau
[of Building Inspection for
[alterations at 386 Chestnut St.
[APPLICATION NO. 9000504.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Alba, the Board voted 5-0 to UPHOLD the department and the conditions to fireproof and sprinkler the entire building as required by State fire regulations.

SPEAKERS: Robert Tibbits, appellant; Capt. Tom Harvey, S.F.F.D.; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. V94-148

(5) JOSEPH CAMHI, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on September 2, 1994,
[of Off-Street Parking variance
[(to add a second dwelling unit
[in basement without providing
[the requisite one off-street
[parking space) sought for
[property at 3830 - 21st Street.
[VARIANCE CASE NO. 94.301V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and the Zoning Administrator's findings and to DENY the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Joseph Camhi, appellant; and Jerry Klein, agent for appellant.

The Board recessed from 6:39 to 6:48 p.m.

APPEAL NO. 94-164

(6) SCOTT R. DUCHIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated September
[21, 1994 by the Zoning Admin-
[istrator that a conditional use
[application for a massage estab-
[lishment at 2218 Lombard Street
[may not be considered by the
[Planning Commission for the
[reason that Section 790.60 of
[the Planning Code prohibits such
[uses within 1,000 feet of an exist-
[ing establishment, and there is
[an establishment within 1,000
[feet of 2218 Lombard Street.
[CONDITIONAL USE APPL. NO. 94.433C.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to OVERRULE the determination with findings by Commissioner Chan.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Scott Duchin, appellant; and Brett Gladstone, attorney for appellant.

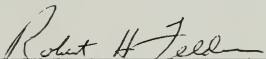
(7) COMMISSIONERS' COMMENTS AND QUESTIONS.

SPEAKERS: None.

(8) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Bradstreet adjourned the meeting at 7:18 p.m.



Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

